

THE PRINCIPLE OF **BAY'AH**

EXPLAINED THROUGH 40 AHADITH

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FOREWORD

When it comes to Bay'ah, there is a lot of confusion among the community and a lot of differences of opinion exist among the scholars. On one side, we have scholars who consider any Bay'ah that is made to anyone other than the Prophet ﷺ or the Muslims rulers to be a Bida'ah or innovation and hence the misguidance. On the other hand, we have scholars who not only consider it permissible but also consider it essential for enhancing one's spirituality. In recent times, Dr. Israr Ahmed and other leaders of revolutionary movements have provided it a third dimension and utilized the concept of Bay'ah for organizing the collective Islamic work and movements. Which of these conceptions are right and which of them are not? What is the relevance of Bay'ah in the present times? What was the objective of this Sunnah of our beloved Master ﷺ?

In order to explore an answer to these questions, we decided to collect relevant ahadith on this topic and then analyze them to find the required guidance. The result of that effort is in your hands. We have collected 40 ahadith on the topic which have been categorized under relevant themes in order to address the study objectives. In addition to collecting and presenting the ahadith, we have also added some explanations and comments in order to establish the context and to provide a linkage between the narrations.

The contents in this book are structured around elaboration of the concept of Bay'ah; its purpose, types, and conditions; methods of making it, and other relevant aspects.

May Allah SWT accept this effort and make it a source of success for us and our readers in this world and the next.

Muhammad Nabeel Musharraf,
Perth, 18 July 2019

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PART 1

THE CONTEXT AND IMPORTANCE OF BAY'AH



The Context

Before we go into the discussion of what Bay'ah (بَيْعَة) is, it is important to establish the context first. Once established, this context would help us properly understand the concept of Bay'ah. It will Insha'Allah guide the thought and prevent confusions.

What is Islam

Islam is not merely a religion! It has two aspects to it.

- It is a religion in terms of its acts of worship and rituals such as prayer, fasting, hajj, zakah, beliefs and so on. This aspect of Islam carries some similarities with other religions too which also have certain forms of prayer, fasting, pilgrimage and so on.
- The other, often neglected, side of Islam is that it is a complete way of life which provides guidance for all spheres of life including politics, military, government affairs, economics, family law and so on. In this regard, it is a complete code of life which guides the human being in

all aspects of its life including the running of state. We often remain stuck in the religious aspects of Islam and completely forget the other half – the concept of Islam as a ‘Deen’¹.

These two aspects of Islam are clarified through the two ahadith below:

1. "Islam is based upon five: the testimony of La Ilaha Illallah, and that Muhammad is the Messenger of Allah, the establishment of the Salat, giving the Zakat, fasting (the month of) Ramadan, and performing Hajj to the House."

Jami` at-Tirmidhi 2609
(Saheeh)

" بُنِيَ الْإِسْلَامُ عَلَى خَمْسٍ شَهَادَةُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ وَإِقَامُ الصَّلَاةِ وَإِيتَاءُ الزَّكَاةِ وَصَوْمُ رَمَضَانَ وَحُجُّ الْبَيْتِ "

2. I declare obligatory upon you five things that Allah SWT has commanded me to do so. They are: Organization (Al-

أَنَا أَمُرُّكُمْ بِخَمْسٍ كَلِمَاتٍ أَمَرَنِي اللَّهُ بِهِنَّ ، بِالْجُمَاعَةِ ، وَالسَّمْعِ ، وَالطَّاعَةِ ، وَالْهَجْرَةِ ، وَالْجِهَادِ

¹ In order to understand the concept of Deen, readers are advised to refer to the book 'Four Key Concepts of the Quran' by Maulana Syed Abul Aala Maududi

Jama'ah), Listening, Obeying,
Making Hijrah and doing Jihad
in the way of Allah.

Jami` at-Tirmidhi 2863
(Saheeh)

The aspects mentioned in the second hadith are also obligatory like the things mentioned in the first hadith but we overlook them many a time.

In the second hadith, the peak of this command reaches at doing Hijrah and Jihad. Both these endeavors have internal and external aspects attached to them. According to a narration, migrating away from sins and one's uncontrolled desires is a form of Sunnah. That is its internal side. Its external side is moving away from the land where there is oppression. Similarly, one form of Jihad is the Jihad against one's own nafs and desires. Its external manifestation can also take the form of an organized encounter with the evil forces.

Importance of organized Islamic efforts

It is important to note that in order to realize and achieve these two important instructions of the Prophet ﷺ, there is an important enabler and pre-requisite. This pre-requisite centers on forming an organized group. The group or Jama'ah in which there is listening and obeying for the Ameer. Without the presence of such an organized group, the Hijrah and Jihad in an effective manner

are impossible in terms of their internal as well as external dimensions.

That is why Islam emphasizes forming the Jama'ah and nominating the Ameer for the group efforts, even if it is a situation when there are three people traveling - one of them has to be nominated as an Ameer. Islam does not want that to happen without an Ameer. If you need an Ameer when you are traveling in a group of three, then what about the journey and struggle for the cause of Allah – how important it is to do it in an organized manner and through an appointment of Ameer. Maulana Rumi very rightly points out, “Whoever travels without a guide needs two hundred years for a two-day journey”.

This is what the Islamic conception of collective work is. In the struggle for Islam, there might be situations in which the workers of the organization or movement would need to move to a different place of land leaving behind their possessions and assets. There might be times when they will have to become part of a war or battle to protect the Muslims and their religion. In these situations, success is linked to adopting an organized approach and following the leader. This following of leader or Ameer is based on the concept of 'listen & obey' which is established through Bay'ah. In the absence of that, everyone goes his or her own way. It is much easier to overcome individuals, or crowd, than an organized group. If everyone moves in the same direction and follows the command of the leader in a disciplined manner when the leader is commanding to move in the right direction, then the success is inevitable, Insha'Allah. That is why it is very important to understand the concept of Bay'ah which forms the building

block of such disciplined and organized Islamic efforts. This is the reason why this book has been written.

What does Bay'ah mean?

The Arabic term Bay'ah is commonly translated as “pledge of allegiance” or “oath of allegiance.” However, in a more general sense, the word Bay'ah means ‘a sale, or an exchange of undertaking, or a done deal.’ As we know, in the deals, there is a two-way transaction. When Muslims give Bay'ah to their Ameer, what do they get in return? Allah SWT provides the answer as follows:

إِنَّ اللَّهَ اشْتَرَىٰ مِنَ الْمُؤْمِنِينَ أَنْفُسَهُمْ وَأَمْوَالَهُمْ بِأَنَّ لَهُمُ الْجَنَّةَ

Allah has indeed purchased from the believers their lives and wealth in exchange for Paradise.

And He also explains that those who live up to the conditions of this ‘deal’ have indeed received the real success.

فَاسْتَبْشِرُوا بِبَيْعِكُمُ الَّذِي بَايَعْتُمْ بِهِ ۚ وَذَٰلِكَ هُوَ الْفَوْزُ الْعَظِيمُ

So rejoice in the exchange you have made with Him. That is (truly) the ultimate triumph.

(Quran 9:111)

Bay'ah or allegiance, as defined by Ibn Khaldun in his Muqaddimah, means: a pledge to obey; it is as if the one who swears allegiance is promising his Ameer that he will accept his authority with regard to his own affairs and the affairs of the

Muslims, and he will not dispute with him with regard to any of that, and he will obey him in any duties that he assigns to him, whether at times of ease or at times of hardship. When they swore allegiance to a ruler and made this pledge, they would put their hands in his as confirmation of the pledge. That is akin to what the seller and purchaser do, so bay'ah or allegiance was accompanied by a handshake.

Purpose of Bay'ah

In Islamic terms, it is a tool to show loyalty and commitment.

With this connotation, Bay'ah has been used for various purposes throughout the Islamic history - "from pledges to accept and obey the tenets of the new faith and fight loyally and unto death in battle, to acceptance and support of new leadership"² (CARUSO, 2013, p. 5). It is not just limited to the situations in which people take the oath upon becoming Muslims or accepting the khilafah. It is used in a range of other situations some of which are evident from below.

Did people use to make allegiance in other religions too?

Evidence of oaths of allegiance are found in the pre-Islamic times too. For example, in the pre-Christ era, this was a common practice in the Roman Empire. The tradition of pledging allegiance to Isa A.S. is also seen in the Christian traditions. In the pre-Islamic

² CARUSO, L. A. (2013). BAY'A: SUCCESSION, ALLEGIANCE, AND RITUALS OF LEGITIMIZATION IN THE ISLAMIC WORLD. Masters Thesis. Athens: The University of Georgia

Arabia too, such pledged can also be found in the literature (known as 'hilf').

Importance of pledge

Dr. Israr Ahmed in his book Bay'ah highlights that for a truly revivalist organization, it is essential to have a system of Bay'ah in line with the sunnah of the Prophet ﷺ and the rightly guided caliphs. Without this, the type of Sama'a and Ta'ah (listenin to and obeying the Ameer) that is required for an organized effort is not possible.

When we look at the ahadith, we come across a number of narrations that highlight the importance of Bay'ah. For instance, Ibn 'Umar (May Allah be pleased with them) reported:

3. Messenger of Allah (ﷺ) said, "One who withdraws his hand from obedience (to the Ameer) will find no argument (in his defense) when he stands before Allah on the Day of Resurrection , and one who dies without having sworn allegiance will die the death of one belonging to the Days of Ignorance."

Another narration is: The Messenger of Allah (ﷺ) said,

سمعت رسول الله صلى الله عليه وسلم يقول "من خلع يداً من طاعة لقي الله يوم القيامة ولا حجة له، ومن مات وليس في عنقه بيعة مات ميتة جاهلية" (رواه مسلم).

وفي رواية له: "ومن مات وهو مفارق للجماعة، فإنه يموت ميتة جاهلية" (رواه مسلم).

"He who dies having defected from obedience (to the Ameer) and discards his association with the main body of the (Muslim) community, dies the death of one belonging to the Days of Jahiliyyah."

(Riyad us Saliheen, Book 1,
Hadith 665 – Saheeh)

With this context, we will now move on to finer details regarding Bay'ah.

PART 2

FIVE TYPES OF BAY'AH



There are five types of Bay'ah which are seen among the Muslim masses throughout the centuries:

1. Bay'ah to the Prophet ﷺ
2. Bay'ah to the Muslim ruler
3. Bay'ah to the Ameer appointed by the Prophet ﷺ or the leader of the Muslims
4. Bay'ah to the spiritual guide (also known as Bay'ah al-Irshad)
5. Bay'ah to the leader of an organized effort

Bay'ah to the Prophet ﷺ

There are a number of ahadith that indicate this type of Bay'ah. Examples of this can be seen in the ahadith quoted later on in this book. At this moment, we will quote an ayah from the Quran which indicates the lofty status of Bay'ah Ar-Ridwan³ that took place before the treaty of Hudaibiyyah:

³ This bay'ah took place under the Samura Tree (which was later renamed as the 'the Ridwan Tree') in which the companions made the oath that they would fight the non-believers till they die.

لَقَدْ رَضِيَ اللَّهُ عَنِ الْمُؤْمِنِينَ إِذْ يُبَايِعُونَكَ تَحْتَ الشَّجَرَةِ فَعَلِمَ مَا فِي قُلُوبِهِمْ فَأَنْزَلَ السَّكِينَةَ عَلَيْهِمْ وَأَثَابَهُمْ فَتْحًا
قَرِيبًا

“Indeed, Allah was pleased with the believers when they pledged allegiance to you (O Prophet) under the tree. He knew what was in their hearts, so He sent down serenity upon them and rewarded them with a victory at hand” (Quran 48:18)

Bay’ah to the Muslim ruler ﷺ

The appointment of Abu Bakr R.A. came into effect through the process of Bay’ah. Same was the case with later Caliphs, including those that came after the rightly guided caliphs. Similarly, there are examples when companions took allegiance to leaders that were neither nominated by the Prophet ﷺ nor the rightly-guided caliphs. So, it indicates that it is legitimate to take allegiance to a Muslims leader that is not nominated by the Prophet ﷺ but he fulfills his obligations as a Muslim ruler. Examples of this can also be seen in the narrations provided in this book.

Bay’ah to the nominated leader

The bay’ah can also be made to the nominated leader other than the chief leader or Caliph of the Muslims. However, the conditions of allegiance to them would be conditional and restricted in certain manners.

4. Narrated `Abbas bin Tamim:
When it was the day (of the battle) of Al-Harra the people were giving Pledge of

عَنْ عَبَّادِ بْنِ تَمِيمٍ، قَالَ لَمَّا كَانَ يَوْمُ الْحَرَّةِ وَالنَّاسُ يُبَايِعُونَ لِعَبْدِ اللَّهِ بْنِ حَنْظَلَةَ فَقَالَ ابْنُ زَيْدٍ عَلَى مَا يُبَايِعُ ابْنُ حَنْظَلَةَ النَّاسَ قِيلَ لَهُ عَلَى الْمَوْتِ. قَالَ

allegiance to `Abdullah bin Hanzala. Ibn Zaid said, "For what are the people giving Pledge of allegiance to `Abdullah bin Hanzala?" It was said to him, "For death." Ibn Zaid said, "I will never give the Pledge of allegiance for that to anybody else after Allah's Messenger (ﷺ)." Ibn Zaid was one of those who had witnessed the day of Al-Hudaibiya with the Prophet.

لَا أُبَايِعُ عَلَى ذَلِكَ أَحَدًا بَعْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. وَكَانَ شَهِدَ مَعَهُ الْحُدَيْبِيَّةَ.

Sahih al-Bukhari 4167

Abdullah ibn Hanzala, a companion of the Prophet ﷺ, was the son of famous companion Hanzala Ibn Abi Ameer who belonged to the Banu Aus of the Ansar. Hanzala's age was just 24 years when he died in the Battle of Uhud while fighting against the polytheists. When leaving for the battlefield to respond to the call of Jihad, he left his wife Jamila on their first wedding night. He did not have the time for doing Ghusl (ablution). The prophet ﷺ is narrated to have seen angels giving Hanzala a bath in between heavens and the earth with fresh rainwater kept in silver vessels. Because of this honor, Hanzala earned the title of Ghaseel al-Malaikah (Arabic: غسيل الملائكة) or the one cleansed by the angels.

His son, Abdullāh ibn Hanzala later commanded the people of Medina in the battle of Al-Harra. It is this battle which mentioned in the hadith above.

Bay'ah to a spiritual leader

The type of bay'ah is also called 'Bay'ah Al-Irshad'. Dr. Israr Ahmed explains about this type of Bay'ah as follows:

“What is meant by Ba'yah al-Irshad? A person feels the need for a spiritual guide or mentor who would coach and instruct him so that he can become a better Muslim, and, with this purpose in mind, he attaches himself with a pious person who has already purified his own self. This attachment is symbolized by Bay'ah, a pledge of allegiance on the part of the disciple: who says, in effect, that you are more knowledgeable and more experienced than I am, so you would tell me what to do and what to avoid, and you would monitor my progress and advise and instruct me at every step of the way. This is Bay'ah al-Irshad, and, due to the deplorable decline of the Ummah, this is the only type of Bay'ah that an ordinary Muslim is aware of. It may be noted that this institution is justifiable on the grounds of the Bay'ah of women, mentioned in the Qur'an, which had a similar nature and purpose.”⁴

Maulana Hussain Ahmed Madni explains it as follows:

“If a promise is taken from people regarding a matter of Shariah that they will fulfill it, whether it is the complete Shariah or a part of it, it is called Bay'ah. The Prophet ﷺ did this by the will of Allah

⁴ Dr. Israr Ahmed (2001) Baiy'ah: The Basis of Organization of a Revivalist Party in Islam. Published by: Markazi Anjuman Khuddam ul Quran, Lahore, Pakistan.

at a number of occasions”.⁵

Bay’ah to the leader of an organized effort

In order to explain this type of Bay’ah, Dr. Israr Ahmed points out:

“Please note that all freedom movements, that were launched during the previous century with the aim of liberating the Muslim lands from Colonial rule, were based on Bay’ah. The Mujahideen Movement of Sayyid Ahmad Shaheed (1786-1831) in India, the Sanussi Movement of Muhammad Ibn Ali Al-Sannusi (1787-1859) in Libya, and the Mahdist Movement of Muhammad Ahmad Al-Mahdi (1844-1885) in Sudan - each one of these freedom struggles was based on the institution of Bay’ah. In the present century, Maulana Abul Kalam Azad formed his party, called Hizbullah, in 1913, on the basis of Bay’ah. Similarly, the founding members in the Al-Ikhwan ul Muslimoon gave their pledge of allegiance to their Al-Murshid Al-Aam Hassan Al-Banna Shaheed. Let me narrate here a very important but largely forgotten episode of the present century. The second convention of Jamiyat Ulama-e-Hind was held in November 1920. It was presided over by Shaykh-ul-Hind Maulana Mehmood Hassan of Deoband who exhorted and tried hard to convince the Ulama belonging to various sects and different schools of thought to accept Maulana Abul Kalam Azad as their leader, to give him their pledge of allegiance, and to start the struggle for freedom and establishment of Islam in the Indian subcontinent. Unfortunately, the Ulama did not show any

⁵ Madni, Hussain Ahmed (1983). The Shari’i status of Bay’ah [Bay’at ki Shari’i Hasiyat]. Karachi: Maktaba Ash-Shaykh

enthusiasm and refused to commit themselves, mainly due to sectarian disagreements. Another movement of the recent past that involved Bay'ah was the one launched in the 1930s in order to deal with the menace of Qadyaniyat. Five hundred Ulama belonging to the Deoband school of thought chose Maulana Ataullah Shah Bukhari as Ameer-e-Shariat, and they gave their pledge to him in Lahore. Although Maulana Bukhari was not a very prominent scholar, we find that people like Maulana Ahmad Ali Lahori and Maulana Anwar Shah Kashmiri were among those who gave their Bay'ah to the Ameer-e-Shariat.”⁶

The examples in this regard are plenty in the recent and distant past.

Summary:

“Thus, we see that, throughout the thirteen hundred year's history of the Muslim Ummah, the only means and the only approach that was used to organize the masses is Bay'ah. Whether the issue was that of formation of a legitimate government, the launching of movements to reintroduce the high ideals of pristine Islam, the purification of souls, or the struggle to liberate Muslim lands from non-Muslim occupation, you will find that, invariably, people were gathered, motivated, and assembled only on the basis of Bay'ah.”⁷

⁶ Dr. Israr Ahmed (2001) Baiy'ah: The Basis of Organization of a Revivalist Party in Islam. Published by: Markazi Anjuman Khuddam ul Quran, Lahore, Pakistan.

⁷ Ibid

PART 3

CONDITIONS FOR BAY'AH



Bay'ah for different people and different occasions:

Dr. Israr Ahmed explains:

“Please note that there were a number of different pledges taken by the Prophet ﷺ from his Companions (RAA) on various occasions. As a matter of fact, whenever he felt the need to get a firm promise or commitment from his Companions (RAA), the Holy Prophet ﷺ would use the word Bay’ah. Thus, we see that Imam Nasai (RA), a great teacher and collector of traditions, has enumerated no less than ten different types of pledges that were taken by the Prophet ﷺ from his Companions (RAA) on different occasions.”

In this chapter, we will review some of those wordings through a study of relevant narrations. In this regard, we will first present various ahadith and then summarize them.

A collection of narrations showing different types of Bay'ahs:

5. Narrated 'Ubada bin As-Samit:

Allah's Messenger (ﷺ) said to us while we were in a gathering, "Give me the oath (Pledge of allegiance) for:

- I. Not to join anything in worship along with Allah,
- II. Not to steal,
- III. Not to commit illegal sexual intercourse,
- IV. Not to kill your children,
- V. Not to accuse an innocent person (to spread such an accusation among people),
- VI. Not to be disobedient (when ordered) to do good deeds.

The Prophet (ﷺ) added: Whoever amongst you fulfill his pledge, his reward will be with Allah, and whoever commits any of those sins and receives the legal punishment in this world for that sin, then that punishment will be an expiation for that sin, and

حَدَّثَنَا أَبُو الْيَمَانِ، أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ،
وَقَالَ اللَّيْثُ، حَدَّثَنِي يُونُسُ، عَنِ ابْنِ شَهَابٍ،
أَخْبَرَنِي أَبُو إِدْرِيسَ الْخَوْلَانِيُّ، أَنَّهُ سَمِعَ عُبَادَةَ بْنَ
الصَّامِتِ، يَقُولُ قَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ وَنَحْنُ فِي مَجْلِسٍ " تَبَايَعُونِي عَلَى أَنْ لَا
تُشْرِكُوا بِاللَّهِ شَيْئًا، وَلَا تَسْرِقُوا، وَلَا تَزْنُوا، وَلَا تَقْتُلُوا
أَوْلَادَكُمْ، وَلَا تَأْتُوا بِبَهْتَانٍ تَفْتَرُونَهُ بَيْنَ أَيْدِيكُمْ
وَأَرْجُلِكُمْ وَلَا تَعْصُوا فِي مَعْرُوفٍ، فَمَنْ وَفَى مِنْكُمْ
فَأَجْرُهُ عَلَى اللَّهِ، وَمَنْ أَصَابَ مِنْ ذَلِكَ شَيْئًا
فَعُوقِبَ فِي الدُّنْيَا فَهُوَ كَفَّارَةٌ لَهُ، وَمَنْ أَصَابَ مِنْ
ذَلِكَ شَيْئًا فَسَتَرَهُ اللَّهُ فَأَمَرُهُ إِلَى اللَّهِ إِنْ شَاءَ عَاقِبَهُ
وَإِنْ شَاءَ عَفَا عَنْهُ "، فَبَايَعَنَاهُ عَلَى ذَلِكَ.

whoever commits any of those sins and Allah does not expose him, then it is up to Allah if He wishes He will punish him or if He wishes, He will forgive him." So we gave the Pledge for that.

Sahih al-Bukhari 7213

Ubada Ibn Samit R.A. was from the tribe of Banu Khazraj and he was from those who took the Bay'ah for Islam with the Prophet ﷺ in the 'The Second Pledge of Mount Aqabah'.

6. Narrated 'Ubada bin As-Samat: I was among those Naqibs (selected leaders) who gave the Pledge of allegiance to Allah's Messenger (ﷺ). We gave the oath of allegiance, that we would not join partners in worship besides Allah, would not steal, would not commit illegal sexual intercourse, would not kill a life which Allah has forbidden, would not commit robbery, would not disobey (Allah and His Apostle), and if we fulfilled this pledge we would have

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ، حَدَّثَنَا اللَّيْثُ، حَدَّثَنَا
يَزِيدُ، عَنْ أَبِي الْحَكِيمِ، عَنِ الصُّنَابِيِّ، عَنْ عُبَادَةَ بْنِ
الصَّامِتِ . رَضِيَ اللَّهُ عَنْهُ . قَالَ إِنِّي مِنَ النَّبَاءِ
الَّذِينَ بَايَعُوا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
بِأَيْعَانِهِ عَلَى أَنْ لَا نُشْرِكَ بِاللَّهِ شَيْئًا، وَلَا نَسْرِقَ وَلَا
نَزْنِيَ، وَلَا نَقْتُلَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ، وَلَا نَنْتَهَبَ،
وَلَا نَعْصِيَ، بِالْجَنَّةِ إِنْ فَعَلْنَا ذَلِكَ، فَإِنْ عَشِينَا مِنْ
ذَلِكَ شَيْئًا كَانَ قَضَاءُ ذَلِكَ إِلَى اللَّهِ.

Paradise, but if we committed any one of these (sins), then our case will be decided by Allah.

Sahih al-Bukhari 6873

The hadith above is slightly different from the hadith before that; it mentions the prohibition to kill an innocent person.

7. Narrated `Abdullah bin Dinar:

`Abdullah Bin `Umar wrote to `Abdul Malik bin Marwan, swearing allegiance to him: 'I swear allegiance to you in that I will listen and obey what is in accordance with the Laws of Allah and the Tradition of His Apostle as much as I can.'

Sahih al-Bukhari 7272

عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ،
كَتَبَ إِلَى عَبْدِ الْمَلِكِ بْنِ مَرْوَانَ يُبَايِعُهُ، وَأَقْرَأَهُ لَكَ
بِالسَّمْعِ وَالطَّاعَةِ عَلَى سُنَّةِ اللَّهِ وَسُنَّةِ رَسُولِهِ، فِيمَا
اسْتَطَاعَتْ

This hadith shows that the great companion, Ibn Umar, took a pledge of allegiance to a non-companion who was the declared ruler of the time.

8. Narrated Yazid:

عَنْ يَزِيدَ، قَالَ قُلْتُ لِسَلَمَةَ عَلَى أَيِّ شَيْءٍ بَايَعْتُمْ
النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمَ الْحُدَيْبِيَّةِ قَالَ عَلَى
الْمَوْتِ.

I said to Salama, "For what did you give the Pledge of allegiance to the Prophet (ﷺ) on the Day of Hudaibiya?" He replied, "For [fighting till] death [as there was a possible battle that was about to begin]."

Sahih al-Bukhari 7206

عَنِ ابْنِ عُمَرَ، قَالَ كُنَّا نُبَايِعُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى السَّمْعِ وَالطَّاعَةِ وَتِلْكَ نُنَا فِيْمَا اسْتَطَعْتُ

This type of bay'ah used to be for a matter of discipline within the Jama'ah of Muslims.

9. Narrated Yazid bin Abi Ubaid:

I said to Salama bin Al-Akwa', "For what did you give the Pledge of allegiance to Allah's Messenger (ﷺ) on the day of Al-Hudaibiya?" He replied, "For death (in the Cause of Islam.)."

Sahih al-Bukhari 4169

حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ، حَدَّثَنَا حَاتِمٌ، عَنْ يَزِيدَ بْنِ أَبِي عُبَيْدٍ، قَالَ قُلْتُ لِسَلَمَةَ بْنِ الْأَكْوَعِ عَلَى أَيِّ شَيْءٍ بَايَعْتُمْ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمَ الْحُدَيْبِيَةِ. قَالَ عَلَى الْمَوْتِ.

This type of pledge shows that it is sunnah to take a pledge for a specific mission.

10. Narrated Anas:

On the day (of the battle) of the Trench, the Ansar were saying, "We are those who have sworn allegiance to Muhammad ﷺ for Jihad (forever) as long as we live." The Prophet (ﷺ) replied to them, "O Allah! There is no life except the life of the Hereafter. So honor the Ansar and emigrants with Your Generosity."

Sahih al-Bukhari 2961

حَدَّثَنَا حَفْصُ بْنُ عُمَرَ، حَدَّثَنَا شُعْبَةُ، عَنْ مُحَمَّدٍ، قَالَ سَمِعْتُ أَنَسًا . رَضِيَ اللَّهُ عَنْهُ . يَقُولُ كَانَتْ الْأَنْصَارُ يَوْمَ الْخَنْدَقِ يَقُولُ نَحْنُ الَّذِينَ بَايَعُوا مُحَمَّدًا عَلَى الْجِهَادِ مَا حَيِينَا أَبَدًا فَأَجَابَهُمُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ اللَّهُمَّ لَا عَيْشَ إِلَّا عَيْشُ الْآخِرَةِ فَأَكْرَمَ الْأَنْصَارَ وَالْمُهَاجِرَةَ

This pledge was made as a transformation to their lives after they received the light of Islam through the blessed Prophet ﷺ.

11. Narrated Jarir:

I have given a pledge of allegiance to Allah's Messenger (ﷺ) for: to testify that None has the right to be worshipped but Allah, and Muhammad is His Apostle, to offer prayers perfectly, to pay Zakat, to listen to and obey

حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ، حَدَّثَنَا سُفْيَانُ، عَنْ إِسْمَاعِيلَ، عَنْ قَيْسٍ، سَمِعْتُ جَرِيرًا . رَضِيَ اللَّهُ عَنْهُ . بَايَعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى شَهَادَةِ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ، وَإِقَامِ الصَّلَاةِ، وَإِيتَاءِ الزَّكَاةِ، وَالسَّمْعِ وَالطَّاعَةِ، وَالنَّصْحِ لِكُلِّ مُسْلِمٍ.

(Allah's and His Prophet's orders), and to give good advice to every Muslim.

Riyad us Saliheen, Book 34,
Hadith 108 (Saheeh)

This bay'ah was for Islam, two major acts of worship (i.e. Salah and Zakah), and for a specific matter of virtue (i.e. being a well-wisher of all Muslims).

12. 'Ubadah bin As-Samit (May Allah be pleased with him) reported:

We swore allegiance to Messenger of Allah (ﷺ) to hear and obey; in time of difficulty and in prosperity, in hardship and in ease, even when somebody is given preference over us, and not to dispute about rule with those in power, except in case of evident infidelity regarding which there is a proof from Allah. We swore allegiance to Messenger of Allah (ﷺ) to say what was right wherever we

عن أبي الوليد عبادة بن الصامت رضي الله عنه قال: "بإيعانا رسول الله صلى الله عليه وسلم على السمع والطاعة في العسر واليسر والمنشط والمكره، وعلى أثرة علينا، وعلى أن لا ننازع الأمر أهله إلا أن تروا كفراً بواحد عندكم من الله تعالى فيه برهان ، وعلى أن نقول بالحق أينما كنا لا نخاف في الله (1) لومة لائم" (متفق عليه) .

were, and not to fear from anyone's reproach.

[Al-Bukhari and Muslim].

Riyad us Saliheen, Book 1,
Hadith 186

This hadith is another narration regarding the Bay'ah mentioned by Ubadah bin Samit R.A. This narration clarifies that the command to listen & obey is not specific to the situation in which one feels comfortable and easy. Rather, it does not differentiate between if one is in prosperity or adversity. This is one of the major requirements for a successful organized effort. If the workers or the members of the organization do not value the leader and do not respond to his call, then the chances of success of such an organization are pretty slim. However, if the Ameer is giving the command to do the acts of disobedience to Allah, then there is no compliance in that. The hadith also shows the Bay'ah for steadfastness in the cause and on truthfulness and not be bothered by anyone's reproach or dislike.

13. Asid bin Abu Usaid reported:

A woman who had taken a pledge of allegiance at the hand of the Messenger of Allah (ﷺ) said: "Among the matters in respect of which we gave the Messenger of Allah

وعن أسيد بن أبي أسيد التابعي عن امرأة من
المبايعات قالت: كان فيما أخذ علينا رسول الله
صلى الله عليه وسلم، في المعروف الذي أخذ
علينا أن لا نعصيه فيه: أن لا نخمش وجهًا، ولا
ندعو ويلا، ولا نشق جيئًا، وأن لا ننشر شعرًا".

(ﷺ) the pledge not to disobey him in any Ma'ruf [i.e., all that Islam ordains (V:60:12)] was that we should not slap our faces, bewail, tear our clothes up and tear out our hair (in grief)."

[Abu Dawud].

Riyad us Saliheen, Book 18,
Hadith 155

This Bay'ah was for refraining from certain types of sins.

14. 'Awf ibn Malik reported:

We were with the Messenger of Allah, peace and blessings be upon him, while there were seven, or eight, or nine of us. The Prophet said, "Will you not give your pledge to the Messenger of Allah?" We had recently given our pledge, so we said, "We have given you our pledge of allegiance," but the Prophet said it again three times. We offered our hands and pledged allegiance to him again. Someone said, "O

عن عَوْفِ بْنِ مَالِكٍ قَالَ كُنَّا عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سَبْعَةً أَوْ ثَمَانِيَةً أَوْ تِسْعَةً فَقَالَ أَلَا تُبَايِعُونَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَكُنَّا حَدِيثَ عَهْدٍ بِبَيْعَةِ قُلُنَا قَدْ بَايَعْنَاكَ حَتَّى قَالَهُمَا ثَلَاثًا فَبَسَطْنَا أَيْدِيَنَا فَبَايَعَنَاهُ فَقَالَ قَائِلٌ يَا رَسُولَ اللَّهِ إِنَّا قَدْ بَايَعْنَاكَ فَعَلَامَ تُبَايِعُكَ قَالَ أَنْ تَعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَتُصَلُّوا الصَّلَاةَ الْخَمْسَ وَتَسْمَعُوا وَتَطِيعُوا وَأَسَرَّ كَلِمَةً خَفِيَّةً قَالَ وَلَا تَسْأَلُوا النَّاسَ شَيْئًا قَالَ فَلَقَدْ كَانَ بَعْضُ أَوْلِيَّكَ النَّفَرِ يَسْقُطُ سَوْطُهُ فَمَا يَسْأَلُ أَحَدًا أَنْ يُنَازِلَهُ إِيَّاهُ

Messenger of Allah, we have already given you our pledge, so what are we pledging to now?"

The Prophet said, "That you worship Allah and do not associate any partners with him, that you pray for five prayers, that you listen and obey," and then the Prophet said something very softly, "And that you do not ask people for anything." Indeed, some of those people obeyed this to the extent that if his whip were to fall from his mount, he would not ask anyone to hand it to him.

Saheeh Muslim 1043

This Bay'ah shows that one can take Bay'ah more than once and they do not need to be for the same things.

In the above hadith, the Prophet ﷺ took Bay'ah on an attribute of Faqr, i.e. not asking anyone for anything even if the thing one is asking for is really small.

Allegiance to Prophet ﷺ is different from allegiance to other people

15. Narrated `Abdullah bin Dinar:

When the people took the oath of allegiance to `Abdul Malik, `Abdullah bin `Umar wrote to him: "To Allah's Slave, `Abdul Malik, Chief of the believers, I give the Pledge of allegiance that I will listen to and obey Allah's Slave, `Abdul Malik, Chief of the believers, according to Allah's Laws and the Traditions of His Apostle in whatever is within my ability; and my sons too, give the same pledge."

Sahih al-Bukhari 720

حَدَّثَنَا عُمَرُو بْنُ عَلِيٍّ، حَدَّثَنَا يَحْيَى، عَنْ سُفْيَانَ،
قَالَ حَدَّثَنِي عَبْدُ اللَّهِ بْنُ دِينَارٍ، قَالَ لَمَّا بَايَعَ النَّاسُ
عَبْدَ الْمَلِكِ كَتَبَ إِلَيْهِ عَبْدُ اللَّهِ بْنُ عُمَرَ إِلَى عَبْدِ
اللَّهِ عَبْدَ الْمَلِكِ أَمِيرَ الْمُؤْمِنِينَ إِنِّي أَقِرُّ بِالسَّمْعِ
وَالطَّاعَةِ لِعَبْدِ اللَّهِ عَبْدِ الْمَلِكِ أَمِيرِ الْمُؤْمِنِينَ، عَلَى
سُنَّةِ اللَّهِ وَسُنَّةِ رَسُولِهِ، فِيمَا اسْتَطَعْتُ، وَإِنِّي بَيِّتُ قَدْ
أَقْرَأُوا بِذَلِكَ.

Conditional Allegiance

We understand from the above ahadith, that allegiance can be based on conditions. Two main conditions can be seen from above:

- "As much as I can do" – i.e. what is beyond my capability as a human, I won't be able to do that

- “What is in accordance with the book of Allah and Sunnah of His messenger” – This condition is added to Bay’ah with anyone else other than the Prophet ﷺ of Allah. The Prophet’s ﷺ obedience would be unconditional; for others, we will listen and obey as long as they are not ordering us for sin and as long as their commands do not contradict the book of Allah and the Sunnah of his messenger ﷺ.

Both these conditions can be seen in the Bay’ah of Ibn Umar R.A. to Marwan as quoted in this chapter.

An analysis and summary of the narrations:

The above narrations indicate the Bay’ah for the following:

- Bay’ah for Islam
- Bay’ah for being steadfast on the truth
- Bay’ah for various virtuous acts
- Bay’ah for self-sufficiency (Fuqr or not asking anyone for anything even if one needs it)
- Bay’ah to refrain from certain sins
- Bay’ah for certain missions
- Bay’ah to transform one’s life till one departs this world
- Bay’ah for disciplinary matters

So, it is clear from the above, that the purpose of Bay’ah is not just to accept Islam or to pledge allegiance to a Muslim ruler; rather it was used for a variety of reasons and objectives. There are a great many reports about the Messenger of Allah ﷺ that the people would give him bay’ah, sometimes for the hijra, sometimes for the jihad, sometimes to perform the pillars of Islam, sometimes to

hold firm in battle, and sometimes to hold firmly to the sunnah and to avoid the bid'ah, and to always make sure to do the acts of obedience. We should therefore not restrict what the Prophet ﷺ kept open for a variety of objectives.

PART 4

WAYS OF DOING THE BAY'AH



We come to know various methods of making a Bay'ah from the Sunnah of the Prophet ﷺ and his companions.

Giving Hand in Hand for the purpose of Bay'ah

Quran mentions the Bay'ah of the Muslims with the Prophet ﷺ when they gave their hands in the hands of the Prophet.

إِنَّ الَّذِينَ يُبَايِعُونَكَ إِنَّمَا يُبَايِعُونَ اللَّهَ يَدُ اللَّهِ فَوْقَ أَيْدِيهِمْ، فَمَنْ نَكَثَ فَإِنَّمَا يَنْكُثُ عَلَىٰ نَفْسِهِ، وَمَنْ أَوْفَىٰ بِمَا عَاهَدَ عَلَيْهِ اللَّهُ فَمَیںُ اللَّهِ فَسَيُؤْتِيهِ أَجْرًا عَظِيمًا

Surely those who pledge allegiance to you 'O Prophet' are actually pledging allegiance to Allah. Allah's Hand is over theirs. Whoever breaks their pledge, it will only be to their own loss. And whoever fulfills their pledge to Allah, He will grant them a great reward.

(Quran 48:10)

A number of ahadith in this book also explain this way of doing the Bay'ah.

Giving Bay'ah in writing

16. Narrated `Abdullah bin Dinar:

When the people took the oath of allegiance to `Abdul Malik, `Abdullah bin `Umar wrote to him: "To Allah's Slave, `Abdul Malik, Chief of the believers, I give the Pledge of allegiance that I will listen to and obey Allah's Slave, `Abdul Malik, Chief of the believers, according to Allah's Laws and the Traditions of His Apostle in whatever is within my ability; and my sons too, give the same pledge."

Sahih al-Bukhari 7205

حَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ، حَدَّثَنَا يَحْيَى، عَنْ سُفْيَانَ،
قَالَ حَدَّثَنِي عَبْدُ اللَّهِ بْنُ دِينَارٍ، قَالَ لَمَّا بَايَعَ النَّاسُ
عَبْدَ الْمَلِكِ كَتَبَ إِلَيْهِ عَبْدُ اللَّهِ بْنُ عُمَرَ إِلَى عَبْدِ
اللَّهِ عَبْدَ الْمَلِكِ أَمِيرَ الْمُؤْمِنِينَ إِنِّي أَقِرُّ بِالسَّمْعِ
وَالطَّاعَةِ لِعَبْدِ اللَّهِ عَبْدِ الْمَلِكِ أَمِيرِ الْمُؤْمِنِينَ، عَلَى
سُنَّةِ اللَّهِ وَسُنَّةِ رَسُولِهِ، فِيمَا اسْتَطَعْتُ، وَإِنَّ بَنِي قَدْ
أَقَرُّوا بِذَلِكَ.

Giving Bay'ah by verbal confirmation

The Prophet ﷺ took the Bay'ah from ladies as well as men; however, it was not his practice to allow women to place their hands upon his hand. Instead, it would be sufficient for them to repeat the words of allegiance after the Prophet ﷺ recited them. There are many ahadith that point to this fact. Accordingly, it is one of the ways of taking Bay'ah.

17. Narrated 'Aishah R.A. :

The Messenger of Allah (ﷺ) never touched the hand of woman, but he received the oath of allegiance from her. When he received the oath of allegiance from her, she gave it to him, and he said: Go, I have received your oath of allegiance.

Sunan Abi Dawud 2941

عَنْ عُرْوَةَ، أَنَّ عَائِشَةَ، رَضِيَ اللَّهُ عَنْهَا أَخْبَرَتْهُ عَنْ
بَيْعَةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِلنِّسَاءِ
قَالَتْ مَا مَسَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَدَ
امْرَأَةٍ قَطُّ إِلَّا أَنْ يَأْخُذَ عَلَيْهَا فَإِذَا أَخَذَ عَلَيْهَا
فَأَعْطَتْهُ قَالَ اذْهَبِي فَقَدْ بَايَعْتُكِ

Al-Nawawi (رحمه الله) said in his Sharh (commentary): "This indicates that for women, allegiance is given in words only, without taking the hand of the leader, and for men, it is done in words and by taking his hand."

18. Narrated `Urwa:

Aisha told me, "Allah's Messenger (ﷺ) used to examine them according to this Verse: "O you who believe! When the believing women come to you, as emigrants test them . . . for Allah is Oft-Forgiving, Most Merciful." (60.10-12) Aisha

قَالَ عُرْوَةُ فَأَخْبَرْتَنِي عَائِشَةُ، أَنَّ رَسُولَ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَمْتَحِنُهُنَّ بِحَذِهِ الْآيَةِ { يَا أَيُّهَا
الَّذِينَ آمَنُوا إِذَا جَاءَكُمْ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ
فَأَمْتَحِنُوهُنَّ } إِلَى { غَفُورٌ رَحِيمٌ }. قَالَ عُرْوَةُ
قَالَتْ عَائِشَةُ فَمَنْ أَقَرَّ بِحَذَا الشَّرْطِ مِنْهُنَّ قَالَ هَذَا
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " قَدْ بَايَعْتُكِ ".
كَلَامًا يَكْلِمُهَا بِهِ، وَاللَّهُ مَا مَسَّتْ يَدُهُ يَدَ امْرَأَةٍ
قَطُّ فِي الْمُبَايَعَةِ، وَمَا بَايَعَهُنَّ إِلَّا بِقَوْلِهِ.

said, "When any of them agreed to that condition Allah's Apostle would say to her, 'I have accepted your pledge of allegiance.' He would only say that, but, by Allah, he never touched the hand of any women (i.e. never shook hands with them) while taking the pledge of allegiance and he never took their pledge of allegiance except by his words (only).

Sahih al-Bukhari 2713

In various Islamic organizations, there is a system of oath in which the members and officer holders take an oath to abide by certain conditions and requirements. It is a verbal confirmation of their commitment to perform certain duties and righteous actions and protecting themselves from certain evils. This can accordingly be considered a type of Bay'ah and those who make that should strive hard to live up to their commitments. This is a promise they make with Allah SWT and should not let themselves deviate away from that at any cost.

Other Ways of doing the Bay'ah

Based on the above, there are other ways of doing Bay'ah in practice too. Just as the Bay'ah written on paper is acceptable, the Saudi scholars have given a fatwa that a Bay'ah made through

social media is acceptable too⁸. Similarly, the Ameer of Tanzim e Islami takes Bay'ah through a cloth and those taking Bay'ah hold it while taking Bay'ah. Other methods of taking Bay'ah are also in practice but the legitimacy of some of them is questionable as the methods of Bay'ah proven from hadith, including the simple method of verbal confirmation, are available and they do not leave much need for any other methods of doing the Bay'ah.

⁸ Yunus, M. A. (2015) Bay'ah for the new king is allowed to be made on Twitter and Social Media: Saudi Ulema Council. Mohadith Forum.

PART 5

WHO CAN MAKE THE PLEDGE OF ALLEGIANCE



We come to know various methods of making a Bay'ah from the Sunnah of the Prophet ﷺ and his companions.

Allegiance for men as well as women

The Prophet ﷺ not only took Bay'ah from the men but also from women. However, this used to be done in a manner that was different from the Bay'ah of men. We have already presented a couple of ahadith above to explain this point. In taking the Bay'ah from women, the Prophet ﷺ never touched the hands of women as reported by Ayesha R.A.

The main conditions for the Bay'ah of women are given in the Quran. Resembling the Bay'ah given by men, the women's Bay'ah contains additional constraints and obligations dealing with infanticide and false allegations of paternity or buhtan (falsehood forged). Matters such as these were common in pre-Islamic times, or Jahiliyyah and women who choose to convert to Islam had to swear to abandon these practices. Also, the pledge to fight in defense of the faith is omitted from the women's pledge, and it is the only instance in the Quran where the verb Bay'ah is not linked

to loyalty in conflict. Additionally, the women's pledge constitutes the only Quranic examples of the specified conditions of the Bay'ah, as the terms for males giving the pledge are dictated in the hadith and other Islamic historical traditions.

يَا أَيُّهَا النَّبِيُّ إِذَا جَاءَكَ الْمُؤْمِنَاتُ يُبَايِعْنَكَ عَلَى أَنْ لَا يُشْرِكْنَ بِاللَّهِ شَيْئًا وَلَا يَسْرِقْنَ وَلَا يَزْنِينَ وَلَا يَقْتُلْنَ
أَوْلَادَهُنَّ وَلَا يَأْتِينَ بِبُهْتَانٍ يَفْتَرِينَهُ بَيْنَ أَيْدِيهِنَّ وَأَرْجُلِهِنَّ وَلَا يَعَصِبْنَكَ فِي مَعْرُوفٍ ۖ فَبَايِعْنَهُنَّ وَأَسْتَغْفِرْ لَهُنَّ اللَّهُ ۖ
إِنَّ اللَّهَ عَفُورٌ رَحِيمٌ

O Prophet! When the believing women come to you, pledging to you that they will neither associate anything with Allah, nor steal, nor fornicate, nor kill their children, nor falsely attribute (illegitimate) children to their husbands, nor disobey you in what is right, then accept their pledge, and ask Allah to forgive them. Surely Allah is All-Forgiving, Most Merciful. (Quran 60:12).

Currently, this verse is embraced by many as an example of the central and important role of women in the early Islamic community. Here, women are pledging their faith and loyalty directly to the Messenger of God, and this act highlights the religio-political significance of women in the community.

The following hadith further explains the Bay'ah for women and that the condition of Bay'ah could be amended or changed depending on their situation.

19. It was narrated from Anas that when the Messenger of Allah accepted the women's oath of allegiance, he

أَخْبَرَنَا إِسْحَاقُ، قَالَ أُنْبَأَنَا عَبْدُ الرَّزَّاقِ، قَالَ
خَدَّثَنَا مَعْمَرٌ، عَنْ ثَابِتٍ، عَنْ أَنَسٍ، أَنَّ رَسُولَ اللَّهِ
صلى الله عليه وسلم أَخَذَ عَلَى النِّسَاءِ حِينَ

accepted their pledge that they would not wail (over the death). They said: "O Messenger of Allah, there are women who helped us to mourn during the Jahiliyyah should we help them to mourn?" The Messenger of Allah said: "There is no helping to mourn in Islam."

Sunan an-Nasa'i 1852

بَايَعَهُنَّ أَنْ لَا يَنْحَنَ فَقُلْنَ يَا رَسُولَ اللَّهِ إِنَّ نِسَاءَ أَصَدَدْنَا فِي الْجَاهِلِيَّةِ أَفَنُسَعِدُهُنَّ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " لَا إِسْعَادَ فِي الْإِسْلَامِ " .

Can the oath of allegiance be taken from children

In order to understand this point, let us examine the following two ahadith:

20. 'Abd Alla b. Hisham, who was a Companion, reported that his mother Zainab, daughter of Humain, went to the Messenger of Allah (ﷺ) and said: Messenger of Allah, receive the oath of allegiance from him. The Messenger of Allah (ﷺ) said: He is Minor. He then wiped his head.

Sunan Abi Dawud 2942
(Saheeh)

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ بْنِ مَيْسَرَةَ، حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يَزِيدَ، حَدَّثَنَا سَعِيدُ بْنُ أَبِي أَيُّوبَ، حَدَّثَنِي أَبُو عَقِيلٍ، زُهْرَةُ بْنُ مَعْبُدٍ عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ هِشَامٍ، قَالَ وَكَانَ قَدْ أَذْرَكَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَذَهَبَتْ بِهِ أُمُّهُ زَيْنَبُ بِنْتُ حُمَيْدٍ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ يَا رَسُولَ اللَّهِ بَايِعْهُ . فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " هُوَ صَغِيرٌ " . فَمَسَحَ رَأْسَهُ .

21. 'Urwa b. Zubair and Fatima daughter of Mandhir b. Zubair, reported that Asma' daughter of Abu Bakr was at the time of migration in the family way with 'Abdullah b. Zubair (in her womb). She came to Quba' and gave birth to 'Abdullah at that place and then sent him to Allah's Messenger (ﷺ) so that he should rub his palate with chewed dates. Allah's Messenger (may peace be upon him) took hold of him (the child) and he placed him in his lap and then called for dates. 'A'isha said:

Some time was spent before we were able to find them. He (the Holy Prophet) chewed them and then put his saliva in his mouth. The first thing that entered his stomach, was the saliva of Allah's Messenger (ﷺ). Asma' said: He then rubbed him and blessed him and gave him the name of Abdullah. He ('Abdullah) went

خَدَّتْنَا الْحَكَمُ بْنُ مُوسَى أَبُو صَالِحٍ، خَدَّتْنَا
شُعَيْبٌ، - يَعْنِي ابْنَ إِسْحَاقَ - أَخْبَرَنِي هِشَامُ بْنُ
عُرْوَةَ، خَدَّتْنِي عُرْوَةُ بْنُ الزُّبَيْرِ، وَقَاطِمَةُ بِنْتُ الْمُثَنِّدِ
بِنِ الزُّبَيْرِ، أَنَّهُمَا قَالَا خَرَجْتُ أَسْمَاءُ بِنْتُ أَبِي بَكْرٍ
حِينَ هَاجَرْتُ وَهِيَ حُبْلَى بِعَبْدِ اللَّهِ بْنِ الزُّبَيْرِ
فَقَدِمْتُ قُبَاءَ فَنَفِسْتُ بِعَبْدِ اللَّهِ بِقُبَاءٍ ثُمَّ خَرَجْتُ
حِينَ نَفِسْتُ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
لِيُخَنِكَ فَأَخَذَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
مِنْهَا فَوَضَعَهُ فِي حَجَرِهِ ثُمَّ دَعَا بِتَمْرَةٍ قَالَتْ
عَائِشَةُ فَمَكَّنْتُنَا سَاعَةً نَلْتَمِسُهَا قَبْلَ أَنْ نَحْذَهَا
فَمَضَعَهَا ثُمَّ بَصَقَهَا فِي فِيهِ فَإِنَّ أَوَّلَ شَيْءٍ دَخَلَ
بَطْنَهُ لَرِيقِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ثُمَّ قَالَتْ
أَسْمَاءُ ثُمَّ مَسَحَهُ وَصَلَّى عَلَيْهِ وَاسْمَاءُ عَبْدُ اللَّهِ ثُمَّ جَاءَ
وَهُوَ ابْنُ سَبْعِ سِنِينَ أَوْ ثَمَانٍ لِيُبَايِعَ رَسُولَ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَمَرَهُ بِذَلِكَ الزُّبَيْرُ فَتَبَسَّمَ
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حِينَ رَأَاهُ مُغْبِلًا
إِلَيْهِ ثُمَّ بَايَعَهُ .

to him (the Holy Prophet) when he had attained the age of seven or eight years in order to pledge allegiance to Allah's Messenger (ﷺ) as Zubair had commanded him to do. Allah's Messenger (ﷺ) smiled when he saw him coming towards him and then accepted his allegiance.

Sahih Muslim 2146a

From the above, it is clear that once children reach the age where they develop an understanding of what they are doing, their pledge of allegiance is accepted. There are reports which indicate that the Prophet ﷺ accepted pledges from children of seven or so years old too.

Can a leader pledge allegiance on behalf of his people too?

22. Ibn 'Abbas reported:

Dimad came to Mecca and he belonged to the tribe of Azd Shanu'a, and he used to protect the person who was under the influence of charm. He heard the foolish people of Mecca say that Muhammad

وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ، وَمُحَمَّدُ بْنُ الْمُثَنَّى،
كِلَاهُمَا عَنْ عَبْدِ الْأَعْلَى، - قَالَ ابْنُ الْمُثَنَّى
حَدَّثَنِي عَبْدُ الْأَعْلَى، وَهُوَ أَبُو هَمَامٍ - حَدَّثَنَا
دَاوُدُ، عَنْ عَمْرِو بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ،
عَنِ ابْنِ عَبَّاسٍ، أَنَّ ضِمَادًا، قَدِمَ مَكَّةَ وَكَانَ مِنْ
أَزْدِ شَنْوَةَ وَكَانَ يَرْفِي مِنْ هَذِهِ الرِّيحِ فَسَمِعَ
سُقَهَاءَ مِنْ أَهْلِ مَكَّةَ يَقُولُونَ إِنَّ مُحَمَّدًا جُنُونٌ .

(ﷺ) was under the spell. Upon this he said: If I were to come across this man, Allah might cure him at my hand. He met him and said: Muhammad, I can protect (one) who is under the influence of charm, and Allah cures one whom He so desires at my hand. Do you desire (this)? Upon this the Messenger of Allah (ﷺ) said: Praise is due to Allah, we praise Him, ask His help; and he whom Allah guides aright there is none to lead him astray, and he who is led astray there is none to guide him, and I bear testimony to the fact that there is no god but Allah, He is One, having no partner with Him, and that Muhammad is His Servant and Messenger. Now after this he (Dimad) said: Repeat these words of yours before me, and the messenger of Allah (ﷺ) repeated these to him thrice; and he said I have heard the words of soothsayers and the

فَقَالَ لَوْ أَنِّي رَأَيْتُ هَذَا الرَّجُلَ لَعَلَّ اللَّهَ يَشْفِيهِ عَلَيَّ
يَدَيَّ - قَالَ - فَلَتَقِيَهُ فَقَالَ يَا مُحَمَّدُ إِنِّي أُرْقِي مِنْ
هَذِهِ الرِّيحِ وَإِنَّ اللَّهَ يَشْفِي عَلَيَّ يَدَيَّ مِنْ شَاءَ
فَهَلْ لَكَ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ "
إِنَّ الْحَمْدَ لِلَّهِ نَحْمَدُهُ وَنَسْتَعِينُهُ مَنْ يَهْدِهِ اللَّهُ فَلَا
مُضِلَّ لَهُ وَمَنْ يَضِلَّ فَلَا هَادِيَ لَهُ وَأَشْهَدُ أَنَّ لَا
إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَأَنَّ مُحَمَّدًا عَبْدُهُ
وَرَسُولُهُ أَمَّا بَعْدُ " . قَالَ فَقَالَ أَعِدْ عَلَيَّ كَلِمَاتِكَ
هَؤُلَاءِ . فَأَعَاذَهُنَّ عَلَيْهِ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ ثَلَاثَ مَرَّاتٍ - قَالَ - فَقَالَ لَقَدْ سَمِعْتُ
قَوْلَ الْكَهَنَةِ وَقَوْلَ السَّحَرَةِ وَقَوْلَ الشُّعْرَاءِ فَمَا
سَمِعْتُ مِثْلَ كَلِمَاتِكَ هَؤُلَاءِ وَلَقَدْ بَلَغَنَ نَاعُوسَ
الْبَحْرِ - قَالَ - فَقَالَ هَاتِ يَدَكَ أَبَايَعُكَ عَلَيَّ
الْإِسْلَامَ - قَالَ - فَبَايَعَهُ . فَقَالَ رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ " وَعَلَيَّ قَوْمُكَ " . قَالَ وَعَلَيَّ
قَوْمِي - قَالَ - فَبَعَثَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ سَرِيَّةً فَمَرُّوا بِقَوْمِهِ فَقَالَ صَاحِبُ السَّرِيَّةِ
لِلْجَيْشِ هَلْ أَصَبْتُمْ مِنْ هَؤُلَاءِ شَيْئًا فَقَالَ رَجُلٌ
مِنَ الْقَوْمِ أَصَبْتُ مِنْهُمْ مِطْهَرَةً . فَقَالَ رُدُّوْهَا فَإِنَّ
هَؤُلَاءِ قَوْمٌ ضِمَادٌ .

words of magicians, and the words of poets, but I have never heard such words as yours, and they reach the depth (of the ocean of eloquence) ; bring forth your hand so that I should take oath of fealty to you on Islam. So he took an oath of allegiance to him. The Messenger of Allah (ﷺ) said: It (this allegiance of yours) is on behalf of your people too. He said: It is on behalf of my people too. The Messenger of Allah (ﷺ) sent an expedition and that military detachment passed by his people. The leader of the detachment said to his people: Did you find anything from these people? One of the people said: I found a utensil for water. Upon this, he (the commander) said: Return it, for he is one of the people of Dimad.

Sahih Muslim 868

In the light of the above, it is clear that a leader or a decision-maker can make a pledge on behalf of his people. Al-Nawawi (may Allaah have mercy on him) said in Sharh Saheeh Muslim: With regard to bay'ah (oath of allegiance): the scholars are agreed that in order for it to be valid it is not essential for all the people or all the decision-makers to give their bay'ah. Rather, if bay'ah is given by those scholars and people of virtue and status who are present, that is sufficient. It is not obligatory for each person to come to the leader and put his hand in his and give his oath of allegiance to him. Rather what is required of each individual is to submit to him and not go against him or rebel against him.

Can a family head pledge allegiance on his family member's behalf?

23. Narrated `Abdullah bin Dinar:

When the people took the oath of allegiance to `Abdul Malik, `Abdullah bin `Umar wrote to him: "To Allah's Slave, `Abdul Malik, Chief of the believers, I give the Pledge of allegiance that I will listen to and obey Allah's Slave, `Abdul Malik, Chief of the believers, according to Allah's Laws and the Traditions of His Apostle in whatever is within my ability;

حَدَّثَنَا عُمَرُو بْنُ عَلِيٍّ، حَدَّثَنَا يَحْيَى، عَنْ سُفْيَانَ،
قَالَ حَدَّثَنِي عَبْدُ اللَّهِ بْنُ دِينَارٍ، قَالَ لَمَّا بَايَعَ النَّاسُ
عَبْدَ الْمَلِكِ كَتَبَ إِلَيْهِ عَبْدُ اللَّهِ بْنُ عُمَرَ إِلَى عَبْدِ
اللَّهِ عَبْدَ الْمَلِكِ أَمِيرَ الْمُؤْمِنِينَ إِنِّي أُفِئُّ بِالسَّمْعِ
وَالطَّاعَةِ لِعَبْدِ اللَّهِ عَبْدِ الْمَلِكِ أَمِيرِ الْمُؤْمِنِينَ، عَلَى
سُنَّةِ اللَّهِ وَسُنَّةِ رَسُولِهِ، فِيمَا اسْتَطَعْتُ، وَإِنِّي بَيِّتٌ قَدْ
أَفَرُّوا بِذَلِكَ.

and my sons too, give the same pledge."

Sahih al-Bukhari 7205

The above hadith indicates that Ibn Umar R.A. took the pledge on behalf of his sons too.

Can an Ameer make a pledge on behalf of a close friend and relative?

The following hadith shows that when a person came to Ibn Umar R.A. and tried to demean the character of Uthman R.A., Ibn Umar R.A. defended him and refuted the claims of that person. The hadith mentions one of the great virtues of Uthman R.A. that the Prophet ﷺ made the pledge on his behalf and declared his hand to be a representative of Uthman's hand.

24. Narrated `Uthman (the son of Muhib):

An Egyptian who came and performed the Hajj to the Ka`ba saw some people sitting. He enquired, "Who are these people?" Somebody said, "They are the tribe of Quraish." He said, "Who is the old man sitting amongst them?" The people replied, "He is `Abdullah bin `Umar."

حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ، حَدَّثَنَا أَبُو عَوَانَةَ،
حَدَّثَنَا عُثْمَانُ . هُوَ ابْنُ مُوَهَّبٍ . قَالَ جَاءَ رَجُلٌ
مَنْ أَهْلِ مِصْرَ حَجَّ الْبَيْتِ فَرَأَى قَوْمًا جُلُوسًا،
فَقَالَ مَنْ هَؤُلَاءِ الْقَوْمُ قَالَ هَؤُلَاءِ قُرَيْشٌ. قَالَ فَمَنْ
السَّيِّحُ فِيهِمْ قَالُوا عَبْدُ اللَّهِ بْنُ عُمَرَ. قَالَ يَا ابْنَ
عُمَرَ إِنِّي سَأَلْتُكَ عَنْ شَيْءٍ فَحَدَّثْتَنِي هَلْ تَعْلَمُ أَنَّ
عُثْمَانَ فَرَّ يَوْمَ أُحُدٍ قَالَ نَعَمْ. قَالَ تَعْلَمُ أَنَّهُ تَعَيَّبَ
عَنْ بَدْرٍ وَلَمْ يَشْهَدْ قَالَ نَعَمْ. قَالَ تَعْلَمُ أَنَّهُ تَعَيَّبَ
عَنْ بَيْعَةِ الرُّضْوَانِ فَلَمْ يَشْهَدْهَا قَالَ نَعَمْ. قَالَ اللَّهُ
أَكْبَرُ. قَالَ ابْنُ عُمَرَ تَعَالَى أَبَيْتَ لَكَ أَمَّا فِرَارُهُ يَوْمَ

He said, "O Ibn `Umar! I want to ask you about something; please tell me about it. Do you know that `Uthman fled away on the day (of the battle) of Uhud?" Ibn `Umar said, "Yes." The (Egyptian) man said, "Do you know that `Uthman was absent on the day (of the battle) of Badr and did not join it?" Ibn `Umar said, "Yes." The man said, "Do you know that he failed to attend the Ar Ridwan pledge and did not witness it (i.e. Hudaibiyyah pledge of allegiance)?" Ibn `Umar said, "Yes." The man said, "Allahu Akbar!" Ibn `Umar said, "Let me explain to you (all these three things). As for his flight on the day of Uhud, I testify that Allah has excused him and forgiven him; and as for his absence from the battle of Badr, it was due to the fact that the daughter of Allah's Messenger (ﷺ) was his wife and she was sick then. Allah's Messenger (ﷺ) said to

أُخِذَ فَأَشْهَدُ أَنَّ اللَّهَ عَفَا عَنْهُ وَعَفَّرَ لَهُ، وَأَمَّا تَعْيِبُهُ عَنْ بَدْرٍ، فَإِنَّهُ كَانَتْ تَحْتُهُ بِنْتُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَكَانَتْ مَرِيضَةً، فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " إِنَّ لَكَ أَجْرَ رَجُلٍ مِمَّنْ شَهِدَ بَدْرًا وَسَهْمُهُ ". وَأَمَّا تَعْيِبُهُ عَنْ بَيْعَةِ الرُّضْوَانِ فَلَوْ كَانَ أَحَدٌ أَعَزَّ بِطَنْ مَكَّةَ مِنْ عُثْمَانَ لَبَعَثَهُ مَكَانَهُ فَبَعَثَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عُثْمَانَ وَكَانَتْ بَيْعَةُ الرُّضْوَانِ بَعْدَ مَا ذَهَبَ عُثْمَانُ إِلَى مَكَّةَ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِيَدِهِ الْيُمْنَى " هَذِهِ يَدُ عُثْمَانَ ". فَضَرَبَ بِهَا عَلَى يَدِهِ، فَقَالَ " هَذِهِ لِعُثْمَانَ ". فَقَالَ لَهُ ابْنُ عُمرَ أَذْهَبَ بِهَا الْآنَ مَعَكَ.

him, "You will receive the same reward and share (of the booty) as anyone of those who participated in the battle of Badr (if you stay with her).'¹ As for his absence from the Ar-Ridwan pledge of allegiance, had there been any person in Mecca more respectable than `Uthman (to be sent as a representative). Allah's Messenger (ﷺ) would have sent him instead of him. No doubt, Allah's Messenger (ﷺ) had sent him, and the incident of the Ar-Ridwan pledge of Allegiance happened after `Uthman had gone to Mecca. Allah's Messenger (ﷺ) held out his right hand saying, 'This is `Uthman's hand.' He stroke his (other) hand with it saying, 'This (pledge of allegiance) is on the behalf of `Uthman.' Then Ibn `Umar said to the man, 'Bear (these) excuses in mind with you.'

Sahih al-Bukhari 3698

PLEDGE OF ALLEGIANCE TO THE RULER



The ruler should not himself be seeking to become a ruler unless a pledge is made to him

25. Narrated Abu Huraira:

The Prophet (ﷺ) said, "The tribe of Quraish has precedence over the people in this connection (i.e the right of the ruling). The Muslims follow the Muslims amongst them, and the infidels follow the infidels amongst them. People are of different natures: The best amongst them in the pre-Islamic period are the best in Islam provided they comprehend the religious knowledge. You will find that the best amongst the people

حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ، حَدَّثَنَا الْمُغِيرَةُ، عَنْ أَبِي
الزَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ . رَضِيَ اللَّهُ عَنْهُ .
أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " النَّاسُ تَبَعٌ
لِقُرَيْشٍ فِي هَذَا الشَّأْنِ، مُسْلِمُهُمْ تَبَعٌ لِمُسْلِمِهِمْ،
وَكَافِرُهُمْ تَبَعٌ لِكَافِرِهِمْ " .

وَالنَّاسُ مَعَادُونَ، خِيَارُهُمْ فِي الْجَاهِلِيَّةِ خِيَارُهُمْ فِي
الْإِسْلَامِ إِذَا فَتَّهَوْا، يَجِدُونَ مِنْ خَيْرِ النَّاسِ أَشَدَّ
النَّاسِ كَرَاهِيَةً لِهَذَا الشَّأْنِ حَتَّى يَقَعَ فِيهِ . "

in this respect (i.e. of the ruling) is he who hates it (i.e. the idea of the ruling) most, till he is given the pledge of allegiance."

Sahih al-Bukhari 3495, 3496

Can the allegiance be taken from two people as rulers

26. Narrated Abu Huraira:

The Prophet (ﷺ) said, "The Israelis used to be ruled and guided by prophets: Whenever a prophet died, another would take over his place. There will be no prophet after me, but there will be Caliphs who will increase in number." The people asked, "O Allah's Messenger (ﷺ)! What do you order us (to do)?" He said, "Obey the one who will be given the pledge of allegiance first. Fulfill their (i.e. the Caliphs) rights, for Allah will ask them about (any shortcoming) in ruling those

حَدَّثَنِي مُحَمَّدُ بْنُ بَشَّارٍ، حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ،
حَدَّثَنَا شُعْبَةُ، عَنْ فُرَاتِ الْقَرَارِ، قَالَ سَمِعْتُ أَبَا
حَازِمٍ، قَالَ قَاعَدْتُ أَبَا هُرَيْرَةَ حَمْسَ سِنِينَ،
فَسَمِعْتُهُ يُحَدِّثُ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
قَالَ "كَانَتْ بَنُو إِسْرَائِيلَ تَسُوسُهُمُ الْأَنْبِيَاءُ، كُلَّمَا
هَلَكَ نَبِيٌّ خَلَفَهُ نَبِيٌّ، وَإِنَّهُ لَا نَبِيَّ بَعْدِي، وَسَيَكُونُ
خُلَفَاءُ فَيَكْثُرُونَ. قَالُوا فَمَا تَأْمُرُنَا قَالَ قُوا بِبَيْعَةِ
الْأَوَّلِ فَالْأَوَّلِ، أَعْطَوْهُمْ حَقَّهُمْ، فَإِنَّ اللَّهَ سَائِلُهُمْ
عَمَّا اسْتَزَعَاهُمْ."

Allah has put under their guardianship."

Sahih al-Bukhari 3455

So, this hadith indicates that if a Muslim ruler is fulfilling his responsibility *in accordance with the Quran and Sunnah* then no one else has a right to become a self-proclaimed caliph. This is considered as treason against the state and its punishment is the death penalty.

27. It has been narrated on the authority of Aba Sa'id al-Khudri that the Messenger of Allah (ﷺ) said:

When oath of allegiance has been taken for two caliphs, kill the one for whom the oath was taken later.

Sahih Muslim 1853

وَحَدَّثَنِي وَهْبُ بْنُ بَقِيَّةٍ الْوَاسِطِيُّ، حَدَّثَنَا خَالِدُ بْنُ عَبْدِ اللَّهِ، عَنِ الْجُرَيْرِيِّ، عَنْ أَبِي، نَضْرَةَ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " إِذَا بُوِيعَ خَلِيفَتَيْنِ فَأَقْتُلُوا الْآخَرَ مِنْهُمَا "

Can someone encourage others to take someone as a Caliph

This has been the Sunnah of the companions and their motive was to infuse unity among the Muslims and establish the selected one among them as the Caliph. It was Umar R.A. who resolved the conflict between the Ansar and the Muhajirun (immigrants from Makkah) regarding the caliphate after the demise of Prophet ﷺ.

He himself took the Bay'ah to Abu Bakr R.A. first of all and then encouraged everyone to do so.

28. Narrated Anas bin Malik:

That he heard `Umar's second speech he delivered when he sat on the pulpit on the day following the death of the Prophet (ﷺ) `Umar recited the Tashahhud while Abu Bakr was silent. `Umar said, "I wish that Allah's Messenger (ﷺ) had outlived all of us, i.e., had been the last (to die). But if Muhammad is dead, Allah nevertheless has kept the light amongst you from which you can receive the same guidance as Allah guided Muhammad with that. And Abu Bakr is the companion of Allah's Messenger (ﷺ) He is the second of the two in the cave. He is the most entitled person among the Muslims to manage your affairs. Therefore get up and swear allegiance to him." Some

حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى، أَخْبَرَنَا هِشَامٌ، عَنْ
مَعْمَرٍ، عَنِ الزُّهْرِيِّ، أَخْبَرَنِي أَنَّهُ سَمِعَ ابْنَ مَالِكٍ . رَضِيَ
اللَّهُ عَنْهُ . أَنَّهُ سَمِعَ حُطْبَةَ، عُمَرَ الْآخِرَةَ حِينَ جَلَسَ
عَلَى الْمِنْبَرِ، وَذَلِكَ الْعَدَمُ مِنْ يَوْمِ تُوُفِّي النَّبِيِّ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ فَتَشَهَّدَ وَأَبُو بَكْرٍ صَامِتٌ لَا يَتَكَلَّمُ
قَالَ كُنْتُ أَرْجُو أَنْ يَعْيشَ رَسُولُ اللَّهِ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ حَتَّى يَذْبُرَنَا . يُرِيدُ بِذَلِكَ أَنْ يَكُونَ
آخِرُهُمْ . فَإِنْ يَأْكُ مُحَمَّدٌ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَدْ
مَاتَ، فَإِنَّ اللَّهَ تَعَالَى قَدْ جَعَلَ بَيْنَ أَظْهَرِكُمْ نُورًا
تَهْتَدُونَ بِهِ بِمَا هَدَى اللَّهُ مُحَمَّدًا صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ وَإِنَّ أَبَا بَكْرٍ صَاحِبَ رَسُولِ اللَّهِ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ ثَانِي اثْنَيْنِ، فَإِنَّهُ أَوَّلَى الْمُسْلِمِينَ
بِأُمُورِكُمْ، فَفَقُومُوا فَبَايَعُوهُ . وَكَانَتْ طَائِفَةٌ مِنْهُمْ قَدْ
بَايَعُوهُ قَبْلَ ذَلِكَ فِي سَقِيفَةِ بَنِي سَاعِدَةَ، وَكَانَتْ
بَيْعَةُ الْعَامَّةِ عَلَى الْمِنْبَرِ . قَالَ الزُّهْرِيُّ عَنْ أَنَسِ بْنِ
مَالِكٍ سَمِعْتُ عُمَرَ يَقُولُ لِأَبِي بَكْرٍ يَوْمَئِذٍ اصْعَدِ
الْمِنْبَرَ . فَلَمْ يَزَلْ بِهِ حَتَّى صَعِدَ الْمِنْبَرَ، فَبَايَعَهُ
النَّاسُ عَامَّةً .

people had already taken the oath of allegiance to him in the shed of Bani Sa`ida but the oath of allegiance taken by the public was taken at the pulpit. I heard `Umar saying to Abu Bakr on that day. "Please ascend the pulpit," and kept on urging him till he ascended the pulpit whereupon, all the people swore allegiance to him.

Sahih al-Bukhari 7219

Can a person refuse to become a leader or to accept pledges

It has been narrated from Umar Ibn al-Khattab R.A., as mentioned in Vol. 12 of Fath ul Bari, that he said that if someone is offered to be made the Ameer without the consultation of shura, then it is not appropriate for that person to accept the offer. Accordingly, in such circumstances, a person can refuse to take a pledge.

In our earlier history, we do see examples where companions declined taking pledges. After Yazid's death, an army of Syrians led by Haseen Ibn Numer is reported to have reached Ali bin Husain R.A. (commonly known as Imam Zain ul Abideen) and request him to take Bay'ah from them. However, he refused that offer and said that he has made a pledge with Allah SWT that he would never take such pledges. (Najībābādī, 2001, p. 89)

Similarly, the same person earlier reached Abdullah Ibn Zubair R.A. and made the same request and wanted him to come to Syria to take Bay'ah of Syrians. Abdullah Ibn Zubair R.A. also refused this offer as he did not consider that appropriate. When Abdullah Ibn Zubair R.A. asked Haseen to take Bay'ah in Makkah. Haseen did not accept this offer (Najībābādī, 2001, p. 88).

Warnings for those who take allegiance for worldly gains

29. Abu Hurairah (May Allah be pleased with him) said:

The Messenger of Allah (ﷺ) said, "There are three (types of) people with whom Allah will neither speak on the Day of Resurrection nor purify them (from sins) and there will be a painful chastisement for them: A person who has spare water in a desert and he refuses to give it to the traveler; a person who sells a commodity to another person after the afternoon prayer and swears by Allah that he has bought it at such and such price, and the buyer pays him accordingly though in reality, it

وعنه قال: قال رسول الله صلى الله عليه وسلم ،
: "ثلاثة لا يكلمهم الله يوم القيامة ولا ينظر
إليهم ولا يزكيهم ولهم عذاب أليم: رجل على
فضل ماء بالفلاة يمنع من ابن السبيل، ورجل
بايع رجلاً، سلعة، بعد العصر، فحلف بالله
لأخذها بكذا وكذا، فصدقه وهو على غير ذلك،
ورجل بايع إماماً لا يبايعه إلا لدنيا، فإن أعطاه
منها وثى ، وإن لم يعطه منها لم يف " (متفق
عليه).

was not true; and a person who pledges allegiance to an Imam (leader) just for some worldly benefit, and then if the Imam bestows on him (something out of that) he fulfills his allegiance, and if does not give him, he does not fulfill it." – Agreed upon

Riyad us Saliheen - Book 19,
Hadith 28

Is it necessary that a person must give an oath of allegiance to a ruler

There are various ahadith that indicate the importance of giving the Bay'ah. We have already quoted a hadith from the Prophet ﷺ which indicates that the one who withdraws his hand from obedience to the Ameer will find no argument in his defense when he stands before Allah on the Day of Resurrection; and one who dies without having sworn allegiance will die the death of one belonging to the Days of Ignorance."

The hadeeth does not mean, as the questioner seems to have understood, that a person must give his allegiance to anybody, no matter who they are, in order to avoid the negative consequences mentioned in the hadeeth. We learn from the practice of companions that under certain conditions, it is permissible not to make a pledge. For example, Ibn `Umar R.A. went for a period of time without giving his oath of allegiance to anyone. The first time

he refrained from offering his oath of allegiance was during the period of disagreement between Ali R.A. and Muawiyyah R.A. He remained in this way until Muawiyyah made peace with Imam Al-Hasan R.A. and the people gave their oath of allegiance to him. He again refrained from giving an oath another time later on till the government of Muslims was again united under `Abd al-Malik b. Marwân. At that time Ibn `Umar R.A. again offered his oath of allegiance which we have mentioned in this book previously. [Fath al-Bari (13/195) and al-Bidayah wa al-Nihayah (3/30)]

Would the citizenship pledge in the non-Muslim countries be considered a Bay'ah?

The condition for Bay'ah is that both the parties involved in this are to be Muslims. If this condition is not met, it can be considered a contract but would not be classified as Bay'ah. The following excerpt from a fatwa by Dar ul Ifta Al-Missriyyah⁹ elaborates this point:

“The term Bay'ah or pledge of allegiance was used in Islamic history as a powerful political tool to choose the Muslim caliphate or ruler and an effective social contract between the ruler and his people. This pledge of allegiance guarantees the obedience of people to the ruler as long as he maintains justice and observes Islamic law. In other words, the pledge of allegiance gives a legal flavor that is originally a human contract with a deeper theological meaning. Therefore the term Bay'ah occurs between two

⁹ Dar ul Ifta Al-Missriyyah (2017). Obtaining citizenship of non Muslim countries: an Act of Polytheism?. Retrieved on 18-Jul-19 from: <http://www.dar-alifta.org/Foreign/ViewArticle.aspx?ID=107&CategoryID=3>

Muslim parties one of them is the ruler and the other group is the ruled and the Shari'ah or Islamic law is the basis of this bilateral contract. When it comes to having protocols or contracts or alliances with non-Muslims, this is not called Bay'ah by any means and same goes for obtaining a citizenship in a non-Muslim country."

Mufti Ebrahim Desai, Sheikh Ahmad Kutty, and other scholars have accordingly considered it permissible to take the citizenship pledge. This is valid for countries where there is a freedom of religion and one can freely practice his or her own faith. Responding to a question on this matter, Sheikh Ahmad Kutty, a senior lecturer and Islamic scholar at the Islamic Institute of Toronto, Ontario, Canada, states the following¹⁰:

"You are allowed to take the oath of citizenship as long as you are clear in your mind that you are doing so without contravening the sovereignty of Allah. Canadian charter already assumes the sovereignty of God; as a Muslim you are obligated to obey the laws of the land and stand to defend it against aggression, and work for upholding justice and rights for all of its citizens; none of these ideals is contrary to the Islamic teachings."

Opinions of Fuqaha regarding the types of Bay'ah that grant legitimacy to the Caliph

Fuqaha have extensively written on this subject. The following is a summary of their opinions as highlighted by Dr. Muhammad Yusuf

¹⁰ "Oath of Citizenship: Prohibited for Muslims?" (n.d.). Islamic Online Archive. Retired on 18-Jul-19 from: <https://archive.islamonline.net/?p=978>

Faruqi¹¹ and Shaykh Hamid Kamal ud Din¹². According to their Ijtihad, they have stipulated various conditions for the Bay'ah to a ruler to be valid or not.

- One of the things they consider in this regard is that how many people from those who enjoy respect and authority make the Bay'ah. The opinions vary in this regard with some scholars mentioning that even if one such person (who has a major following among the masses) makes a Bay'ah, the caliph is legitimate while the others mentioning that the majority of such people have to make Bay'ah.
- The Fuqaha do not generally accept the concept of two imams at one point in time. If the Bay'ah is made to two persons simultaneously, both the contracts will stand nullified. However, if the Bay'ah is made at two different time periods, the earlier Bay'ah will be considered legitimate while the latter one would stand nullified.
- The fuqaha have also opined that if a person forcefully acquires the power but the people give Bay'ah to him, then this rule would also be considered to be in place and obedience in the matters of goodness would be required.

¹¹ Faruqi, M. Y. (2009). The Bay'ah as a Politico-Legal Principle: The Prophet (SAW), the Fuqaha and the Rashidun Caliphs. Intellectual Discourse. VOL 17, NO 1, 65-82

¹² Kamal ud Din, H. (2014). Is vote and Bay'ah the same thing? [Vote aur Bay'ah Aik Cheez?]. Monthly Eeqaz. July 2014. Retrieved on 18-Jul-19 from: http://www.eeqaz.org/eeqazarticles.aspx?sanid=1309&ArticleName=2014_07_wot-aur_bayat_ak_he_cehz_

They have made clear that they do not obey that government because it is right, rather they obey it to avoid bloodshed, chaos, and disruption of the system that would impact the masses.

- Maliki and Shafi'i Fuqaha are of the opinion that another way in which the caliphate is constituted is when a Caliph makes a wassiyah or will about another Caliph who is able and capable. Example of this type is what we see in case of Umar R.A. who was nominated by Abu Bakr R.A. However, the scholars explain that before the nomination, Abu Bakr R.A. gave this task to the prominent companions to select the next caliph, however, they requested Abu Bakr R.A. to nominate his successor and assured that they will obey his decision.
- With regards to who can choose the caliph, the fuqaha have explained that it is not the job of common people. It is the responsibility of those who meet the relevant conditions including being of upright character, having the knowledge with which they can determine the suitability of the person who should be the caliph and then they should also have a say and authority which would enable them in their decision-making.
- The shura formed for the decision-making with regards to the Ikhtiar or the selection of Caliph should engage the other eligible people whose opinions are valid in the selection (commonly known as Ahl Al-Hall wal Aqd). It is mentioned in Mussanaf Ibn Abi Shayba (9776) that at the time of selection of Uthman R.A., Abdur Rahman Ibn Awwf did not leave any people of opinion from Muhajiroon,

Ansar and other residents but did a consultation with them.

Is system of Bay'ah for the caliphate and the voting system under democracy the same?

It is important to note that with regards to the selection of caliphs or the rulers, the fuqaha have defined two types of Bay'ah.

- One is called Bay'ah In'iqad (which is also known as Bay'ah Khas). This is the Bay'ah of Ahl Al-Hall wal Aqd. When they do the Bay'ah to someone as a caliph, the person becomes the Caliph.
- The second type of Bay'ah is for the general masses and is considered Bay'ah Aam. This is not a condition for a person to become caliph. It is to endorse that the masses support the decision of their leader and people of opinion to make someone a caliph.

This indicates that the system of Khilafah is very different to the system of voting. In Khilafah, only the people of certain credentials make the decision and the general public follow. Whereas, in the democratic system which is commonly prevalent nowadays, masses select their representatives. This does not distinguish whether the voters are educated or not and whether they are aware of the policies and credentials of the persons being elected or not. Vote of a surgeon or a neuro-scientist is the same as a person who never went to school or barely passed his time there. In Islam, the selection is in the hand of those people who are Ashab ush-Shariah Wal Shaukat (i.e. they are recognized for their piousness and their repute among the masses).

RESPONSIBILITIES OF THOSE MAKING THE PLEDGE



Responsibilities of those who pledge allegiance:

It is also the opinion stated by al-Mawardi that the person is required to obey in all matters that do not entail disobedience to Allah. This opinion is in accordance with the ahadith and guidance from the companions.

30. Ali R.A. reported: The Prophet ﷺ, peace and blessings be upon him, said, "There is no obedience to anyone if it is disobedience to Allah. Verily, obedience is only for good conduct."

In another narration, the Prophet ﷺ said, "There is no obedience to a created being if

عَنْ عَلِيِّ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَا طَاعَةَ فِي مَعْصِيَةٍ إِلَّا طَاعَةُ فِي الْمَعْرُوفِ

وقال في رواية أحمد لَا طَاعَةَ لِمَخْلُوقٍ فِي مَعْصِيَةِ اللَّهِ عَزَّ وَجَلَّ

it is disobedience to Allah Almighty."

Saheeh Bukhari 6830, Saheeh Muslim 1840

Honoring the Bay'ah and feeling proud of it

31. 'Abdur-Rahman ibn Razin said, "We passed by az-Zubda and were told, 'There is Salama ibn al-Akwa'. I went to him and he greeted us. Then he brought out his hands and stated, 'With these two hands I offered allegiance to the Messenger of Allah, may Allah bless him and grant him peace.' He held out his palm which was as huge as a camel's foot, and we got up and kissed it."

Al-Adab Al-Mufrad 973 (Hasan)

حَدَّثَنَا ابْنُ أَبِي مَرْيَمَ، قَالَ: حَدَّثَنَا عَطَافُ بْنُ خَالِدٍ قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ رَزِينٍ قَالَ: مَرَرْنَا بِالرَّيْدَةِ فَقِيلَ لَنَا: هَا هُنَا سَلَمَةُ بْنُ الْأَكْوَعِ، فَأَتَيْنَاهُ فَسَلَّمْنَا عَلَيْهِ، فَأَخْرَجَ يَدَيْهِ فَقَالَ: نَايَعْتُ بِهَاتَيْنِ نِيَّ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَأَخْرَجَ كَفًّا لَهُ صَحْمَةً كَأَمَّا كَفُّ بَعِيرٍ، فَقُمْنَا إِلَيْهَا فَقَبَّلْنَاهَا.

This shows the pride the companions had in the Bay'ah they did with the Prophet ﷺ. The others kissed the hands of Salama R.A. out of respect and love for the Prophet ﷺ and the barakah.

32. It was narrated that 'Uqbah bin Suhban said:

"I heard 'Uthman bin 'Affan say: 'I never sang a song or told a lie or touched my private part with my right hand after I swore on oath of allegiance to the Messenger of Allah to that effect.'"

Sunan Ibn Majah, Vol. 1, Book 1, Hadith 311 (Daif)

حَدَّثَنَا عَلِيُّ بْنُ مُحَمَّدٍ، حَدَّثَنَا وَكِيعٌ، حَدَّثَنَا الصَّلْتُ بْنُ دِينَارٍ، عَنْ عُقْبَةَ بْنِ صُهْبَانَ، قَالَ سَمِعْتُ عُثْمَانَ بْنَ عَفَّانَ، يَقُولُ مَا تَعْنَيْتُ وَلَا تَمْنَيْتُ وَلَا مَسِسْتُ ذَكَرِي بِيَمِينِي مُنْذُ بَايَعْتُ بِهَا رَسُولَ اللَّهِ . صلى الله عليه وسلم

Breaking the Pledge

33. Jabir b. `Abdullah (Allah be pleased with them) reported that a desert Arab swore allegiance to Allah's Messenger (ﷺ). He suffered from a severe fever in Medina (and) so he came to Allah's Messenger (ﷺ) saying:

Muhammad, cancel my oath of allegiance. But Allah's Messenger (ﷺ) refused it. He again came and said: Cancel my oath of allegiance. But he

عَنْ جَابِرٍ، بْنِ عَبْدِ اللَّهِ أَنَّ أَعْرَابِيًّا، بَايَعَ رَسُولَ اللَّهِ صلى الله عليه وسلم فَأَصَابَ الْأَعْرَابِيَّ وَعَكٌ بِالْمَدِينَةِ فَأَتَى النَّبِيَّ صلى الله عليه وسلم فَقَالَ يَا مُحَمَّدُ أَقْلِنِي بَيْعِي . فَأَبَى رَسُولُ اللَّهِ صلى الله عليه وسلم ثُمَّ جَاءَهُ فَقَالَ أَقْلِنِي بَيْعِي . فَأَبَى ثُمَّ جَاءَهُ فَقَالَ أَقْلِنِي بَيْعِي . فَأَبَى فَخَرَجَ الْأَعْرَابِيُّ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم " إِنَّمَا الْمَدِينَةُ كَالْكَبِيرِ تَنْفِي حَبْنَهَا وَيَنْصَعُ طَبِئُهَا "

(the Holy Prophet) refused it. He again came to him and said: Cancel my oath of allegiance, but he refused. The desert Arab, however, went away (canceling the allegiance himself). Thereupon Allah's Messenger (ﷺ) said: Medina is like a furnace which drives away its impurity and purifies what is good.

Sahih Muslim 1383

How unfortunate that person was who did not realize the value of blessing of the Bay'ah and company of the best of creations ﷺ and his small worldly problems deviated him away from the path. May Allah protect us and keep us steadfast on the path irrespective of how difficult or hard it might be. May He enable us to fulfill our responsibility even if it is in the times when keeping steadfast on the faith is like holding burning coal. May He make us from those who succeed in this mission and be among the successful ones in the hereafter.

OTHER RELATED ISSUES



Can we encourage people to take the oath of allegiance to someone

34. Narrated Abu `Uthman An-Nahdi:

Mujashi (bin Mas`ud) took his brother Mujalid bin Musud to the Prophet (ﷺ) and said, "This is Mujalid and he will give a pledge of allegiance to you for migration." The Prophet (ﷺ) said, "There is no migration after the Conquest of Mecca, but I will take his pledge of allegiance for Islam."

Sahih al-Bukhari 3078, 3079

عَنْ مُجَاشِعِ بْنِ مَسْعُودٍ، قَالَ جَاءَ مُجَاشِعٌ بِأَخِيهِ
مُجَالِدِ بْنِ مَسْعُودٍ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
فَقَالَ هَذَا مُجَالِدٌ يُبَايِعُكَ عَلَى الْهِجْرَةِ. فَقَالَ " لَا
هِجْرَةَ بَعْدَ فَتْحِ مَكَّةَ، وَلَكِنْ أُبَايِعُهُ عَلَى الْإِسْلَامِ "

From the above hadith, we see that there is no problem in encouraging others to take the pledge if it leads to virtue and goodness.

Can a person who comes to take pledge allegiance for a matter be returned and instructed to do something else

35. Yazid b. Abu Habib reported that Na'im, the freed slave of Umm Salama, reported to him that 'Abdullah b. 'Amr b. 'As said:

There came to Allah's Apostle (ﷺ) a person and said: I owe allegiance to you for migration and Jihad seeking reward only from Allah. He (the Holy Prophet) said: Is one from amongst your parents living? He said: Yes, of course, both are living. He further asked: Do you want to seek reward from Allah? He said: Yes. Thereupon Allah's Messenger (ﷺ) said: Go back to your parents and accord them benevolent treatment.

حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ، حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ، أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، أَنَّ نَاعِمًا، مَوْلَى أُمِّ سَلَمَةَ حَدَّثَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عَمْرٍو بْنَ الْعَاصِي قَالَ أَقْبَلَ رَجُلًا إِلَى نَبِيِّ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ أَبَايُكَ عَلَى الْهِجْرَةِ وَالْجِهَادِ أَبْتَغِي الْأَجْرَ مِنَ اللَّهِ . قَالَ " فَهَلْ مِنْ وَالِدَيْكَ أَحَدٌ حَيٌّ " . قَالَ نَعَمْ بَلْ كِلَاهُمَا . قَالَ " فَتَبْتَغِي الْأَجْرَ مِنَ اللَّهِ " . قَالَ نَعَمْ . قَالَ " فَارْجِعْ إِلَى وَالِدَيْكَ فَأَحْسِنْ صُحْبَتَهُمَا " .

Can the leader ask people to take allegiance or wish that this happens?

A number of ahadith show that the Prophet ﷺ used to ask and encourage people to take Bay'ah. So if a leader considers a needs, there is no problem in doing so.

36. Zuhri narrated from Abu Idrees who informed regarding 'Ubada bin As-Samit, who was one of the Badr warriors, that Allah's Messenger (ﷺ) said, "Give me the pledge of allegiance."

Sahih al-Bukhari 3999

عَنِ الزُّهْرِيِّ، قَالَ أَخْبَرَنِي أَبُو إِدْرِيسَ، عَائِدُ اللَّهِ بْنُ عَبْدِ اللَّهِ أَنَّ عُبَادَةَ بْنَ الصَّامِتِ، وَكَانَ، شَهِدَ بَدْرًا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ "بَايِعُونِي".

Can the Bay'ah be repeated?

We see instances in the Seerah when the Prophet ﷺ retook the Bay'ah from the companions depending on the situation and the task at hand.

37. Narrated Salama: We gave the oath of allegiance to the Prophet (ﷺ) under the tree. He said to me, "O Salama! Will you not give the oath of

عَنْ سَلَمَةَ، قَالَ بَايَعْنَا النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَحْتَ الشَّجَرَةِ فَقَالَ لِي "يَا سَلَمَةُ أَلَا تُبَايِعُ".
فُلْتُ يَا رَسُولَ اللَّهِ قَدْ بَايَعْتُ فِي الْأَوَّلِ. قَالَ "وَفِي الثَّانِي".

allegiance?" I replied, "O Allah's Messenger (ﷺ)! I have already given the oath of allegiance for the first time." He said, (Give it again) for the second time.

Sahih al-Bukhari 7208

PART 9

IS BAY'AH A BIDA'AH?



There are two opinions in this regard.

The type of Bay'ah about which there is no dispute

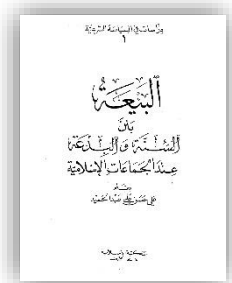
There is no dispute in the status of the following two types of Bay'ah:

- Bay'ah to the Prophet ﷺ
- Bay'ah to the legitimate Muslim ruler

Bay'ah to a spiritual leader or the organizational leader

There are two opinions about these types of Bay'ah:

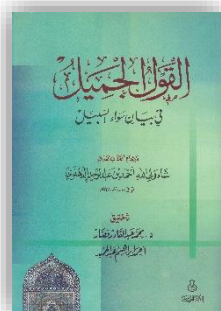
- Many scholars consider the Bay'ah to the Prophet ﷺ and to the legitimate Muslim ruler to be the only two permissible types of Bay'ah¹³;



¹³ Zai, Zubair Ali (2014). The status of prevalent organizations and the system of Bay'ah [Murawaja Jama'atoun aur Bay'at ki Hasiat]. Tauheed.com

according to them the Bay'ah to the spiritual leaders and organizational heads is an innovation. The opinion of this group of scholars is explained in the book “Al-Bay’ah Bayn As-Sunnah Wa Al-Bida’ah Inda Al-Jama’at Al-Islamiyyah” which is written by Sheikh Ali Hassan Al-Halabi who was a student of Sheikh Nasir ud Din Albani.

- However, this opinion is contested and there is a difference of opinion about this among scholars. Remarkable scholars such as Shah Waliullah and others consider the Bay’ah with religious leaders and shuyukh to be permissible and even liked. The details about the opinion of this second group of scholars can be seen in the book ‘Al-Qawl ul Jameel’ and others of similar kind.



Conception of Bida’ah

The difference of opinion exists based on the definition of Bida’ah that each of these groups adheres to. The first group believes that anything that is not proven from the Quran, the Sunnah and the practice of the companions is an innovation and has to be rejected as guided by the Prophet ﷺ.

The second group believes that there are two types of Bida’ah – one which is permissible (or praiseworthy in some instances) and the other which is impermissible and forbidden. They believe that this was the opinion that the companions held as they did start some new religious practices and were not stopped from doing

this. The type of innovation that they consider impermissible are the things that go against the teachings of Quran and Sunnah or the methods for which the binding prescribed practices are available from sunnah.

Author's opinion at the time of writing this book

I consider the opinion about Bida'ah that 'anything not proven from the messenger ﷺ and his companions and the early Muslims is a Bida'ah' to be a very strong opinion as it closes the door for any possible misguidance. It is the safest path to follow.

However, in case of the permissibility of Bay'ah to the religious leaders or the organizational heads, the opinion held by the second group seems to be more valid as the ahadith quoted in this book do not indicate that the Sunnah of the Prophet ﷺ to take Bay'ah for doing certain virtuous acts or refraining from certain sins or striving for certain endeavors is to be forsaken after his demise. However, the Bay'ah has to be done in the manner prescribed in the Sunnah and while safeguarding from any deviations and misguidance.

And Allah SWT knows best.

CAUTION FROM THE DEVIANT GROUPS



Though the institution of Bay'ah was established for noble purposes, it has been misused in the past and is also currently being misused by the deviant groups who try to induct people in their groups through Bay'ah. Many innocent and less knowledgeable people accordingly become victim to their trap.

Identifying the false ideologies

There are three main tenants of beliefs that the people of false ideologies hold as we learn from our past and present:

- I. Declaring Muslims to be unbelievers (and hence justifying their killing)
- II. Rejecting lawful obedience to the rulers
- III. Justifying violence against Muslims and innocent people (including non-Muslims).

The Kharijites of the past and the people of deviant ideologies in the present times believe their opinions regarding leadership, government, politics, and the Sharia are the only valid opinions in

Islam and whoever disagrees with them becomes an unbeliever. However, the truth is that much of these matters are left open to interpretation and consultation among Muslims.

Imam Ibn Taymiyyah explains about them:

وَالْخَوَارِجُ هُمْ أَوَّلُ مَنْ كَفَرَ الْمُسْلِمِينَ بِالذُّنُوبِ ، وَيُكَفِّرُونَ مَنْ خَالَفَهُمْ فِي بِدْعَتِهِمْ وَيَسْتَحِلُّونَ دَمَهُ وَمَالَهُ وَهَذِهِ خَالُ أَهْلِ الْبِدْعِ يَتَّبِعُونَ بِدْعَةً وَيُكَفِّرُونَ مَنْ خَالَفَهُمْ فِيهَا وَأَهْلُ السُّنَّةِ وَالْجَمَاعَةِ يَتَّبِعُونَ الْكِتَابَ وَالسُّنَّةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ فَيَتَّبِعُونَ الْحَقَّ وَيَرْحَمُونَ الْخَلْقَ

“The Kharijite sect was the first to declare Muslims to be unbelievers because of their sins. They charged as unbelievers whoever disagreed with their innovations and they made lawful the spilling of blood and the taking of wealth. This is the condition of the people of innovation, that they invent some religious innovation and then they excommunicate whoever disagrees with them concerning it. Rather, the people of the Sunnah and the community follow the Book and the Sunnah and they obey Allah and His Messenger and follow the truth. They have mercy upon the creation.” (Majmu al-Fatawa 1/278)

Four-tiered protection kit

It is extremely important to be mindful of such individuals and groups. Any new groups or persons requiring such Bay’ah should not be agreed with unless the majority of scholars approve them. The deviant people, in the past and the present, lack the authentic scholars on their side. This was the challenge that the companions of the Prophet ﷺ made to the Khawarij when they asked ‘How many companions do you have in your ranks?’ There were none! Same is the situation in the present age. We have to go with the

majority of Ulema, the Jama'ah of Muslims, and avoid such deviant ideologies.

The solution to protecting one's self is fourfold as indicated by the ahadith below:

38. Ibn 'Umar narrated:

" 'Umar delivered a Khutbah to us at Al-Jabiyah. He said: 'O you people! Indeed I have stood among you as the Messenger of Allah(s.a.w) stood among us, and he said: 'I order you (to stick to) my Companions, then those who come after them, then those who come after them. Then lying will spread until a man will take an oath when no oath was sought from him, and a witness will testify when his testimony was not sought. Behold! A man is not alone with a woman but the third of them is Ash-Shaitan. Adhere to the Jama'ah; beware of separation, for indeed Ash-Shaitan is with one, and he is further away from two.

عَنِ ابْنِ عُمَرَ، قَالَ خُطَبَنَا عُمَرُ بِالْجَابِيَةِ فَقَالَ يَا أَيُّهَا النَّاسُ إِنِّي قُفْتُ فِيكُمْ كَمَقَامِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِينَا فَقَالَ " أَوْصِيكُمْ بِأَصْحَابِي ثُمَّ الَّذِينَ يَلُوكُهُمْ ثُمَّ الَّذِينَ يَلُوكُهُمْ ثُمَّ يَفْشُو الْكَذِبُ حَتَّى يَخْلِفَ الرَّجُلُ وَلَا يُسْتَخْلَفُ وَيَشْهَدَ الشَّاهِدُ وَلَا يُسْتَشْهَدُ أَلَا لَا يَخْلُوَنَّ رَجُلٌ بِامْرَأَةٍ إِلَّا كَانَ ثَالِثَهُمَا الشَّيْطَانُ عَلَيْكُمْ بِالْجَمَاعَةِ وَإِيَّاكُمْ وَالْفُرْقَةَ فَإِنَّ الشَّيْطَانَ مَعَ الْوَاحِدِ وَهُوَ مِنَ الْإِثْنَيْنِ أَبْعَدُ مَنْ أَرَادَ مُجْبُوحَةَ الْجَنَّةِ فَلْيَلْزِمِ الْجَمَاعَةَ مَنْ سَرَّهُ حَسَنَتُهُ وَسَاءَتُهُ سَيِّئَتُهُ فَذَلِكَ الْمُؤْمِنُ " . قَالَ أَبُو عِيسَى هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ وَقَدْ رَوَاهُ ابْنُ الْمُبَارَكِ عَنْ مُحَمَّدِ بْنِ سُوْفَةَ وَقَدْ رُوِيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ وَجْهِ عَنْ عُمَرَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ .

Whoever wants the best place in Paradise, then let him stick to the Jama'ah. Whoever rejoices with his good deeds and grieves over his evil deeds, then that is the believer among you."

Jami` at-Tirmidhi 2165
(Saheeh)

From the above hadith, we understand the importance of sticking to the Jama'ah, the main body of Muslims. This is where one would see the majority of authentic scholars. The Prophet ﷺ also advised sticking to the practices of the companions and the early generations. This is the direction that we also see in the hadith below:

39. Yahya related to me from Malik that he heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "I have left two matters with you. As long as you hold to them, you will not go the wrong way. They are the Book of Allah and the Sunna of His Prophet."

Muwatta Imam Malik, Book 46, Hadith 3

وَحَدَّثَنِي عَنْ مَالِكٍ، أَنَّهُ بَلَغَهُ أَنَّ رَسُولَ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " تَرَكْتُ فِيكُمْ أَمْرَيْنِ لَنْ
تَضِلُّوا مَا تَمَسَّكْتُمُ بِهِمَا كِتَابَ اللَّهِ وَسُنَّةَ نَبِيِّهِ " .

40. Narrated Hudhaifa bin Al-Yaman:

The people used to ask Allah's Messenger (ﷺ) about the good but I used to ask him about the evil lest I should be overtaken by them. So I said, "O Allah's Messenger (ﷺ)! We were living in ignorance and in an (extremely) worst atmosphere, then Allah brought to us this good (i.e., Islam); will there be any evil after this good?" He said, "Yes." I said, 'Will there be any good after that evil?' He replied, "Yes, but it will be tainted (not pure)." I asked, "What will be its taint?" He replied, "(There will be) some people who will guide others not according to my tradition? You will approve of some of their deeds and disapprove of some others." I asked, "Will there be any evil after that good?" He replied, "Yes, (there

حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى، حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ،
حَدَّثَنَا ابْنُ جَابِرٍ، حَدَّثَنِي بُسَيْرُ بْنُ عُبَيْدِ اللَّهِ
الْحَضْرَمِيُّ، أَنَّهُ سَمِعَ أَبَا إِدْرِيسَ الْخَوْلَاطِيَّ، أَنَّهُ سَمِعَ
حَدِيثَ بَنِي الْيَمَانِ، يَقُولُ كَانَ النَّاسُ يَسْأَلُونَ
رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْخَيْرِ، وَكُنْتُ
أَسْأَلُهُ عَنِ الشَّرِّ، خَافَةَ أَنْ يُدْرِكَنِي فَقُلْتُ يَا رَسُولَ
اللَّهِ إِنَّا كُنَّا فِي جَاهِلِيَّةٍ وَشَرٍّ فَجَاءَنَا اللَّهُ بِهَذَا الْخَيْرِ،
فَهَلْ بَعْدَ هَذَا الْخَيْرِ مِنْ شَرٍّ قَالَ " نَعَمْ ". قُلْتُ
وَهَلْ بَعْدَ ذَلِكَ الشَّرِّ مِنْ خَيْرٍ قَالَ " نَعَمْ، وَفِيهِ
دَخْنٌ ". قُلْتُ وَمَا دَخْنُهُ قَالَ " قَوْمٌ يَهْدُونَ بِغَيْرِ
هَدْيٍ، تَعْرِفُ مِنْهُمْ وَتُنْكِرُ ". قُلْتُ فَهَلْ بَعْدَ
ذَلِكَ الْخَيْرِ مِنْ شَرٍّ قَالَ " نَعَمْ، دُعَاءٌ عَلَى أَبْوَابِ
جَهَنَّمَ، مَنْ أَجَابَهُمْ إِلَيْهَا قَذَفُوهُ فِيهَا ". قُلْتُ يَا
رَسُولَ اللَّهِ صِفْهُمْ لَنَا. قَالَ " هُمْ مِنْ جِلْدَتِنَا،
وَيَتَكَلَّمُونَ بِأَلْسِنَتِنَا ". قُلْتُ فَمَا تَأْمُرُنِي إِنْ أَدْرَكَنِي
ذَلِكَ قَالَ " تَلْزِمُ جَمَاعَةَ الْمُسْلِمِينَ وَإِمَامَهُمْ ".
قُلْتُ فَإِنْ لَمْ يَكُنْ لَهُمْ جَمَاعَةٌ وَلَا إِمَامٌ قَالَ "
فَاعْتَزِلْ تِلْكَ الْفِرْقَ كُلَّهَا، وَلَوْ أَنَّ تَعْصَى بِأَصْلِ
شَجَرَةٍ، حَتَّى يُدْرِكَكَ الْمَوْتُ، وَأَنْتَ عَلَى ذَلِكَ "

will be) some people calling at the gates of the (Hell) Fire, and whoever will respond to their call, will be thrown by them into the (Hell) Fire." I said, "O Allah's Apostle! Will you describe them to us?" He said, "They will be from our own people and will speak our language." I said, "What do you order me to do if such a state should take place in my life?" He said, "Stick to the group of Muslims and their Imam (ruler)." I said, "If there is neither a group of Muslims nor an Imam (ruler)?" He said, "Then turn away from all those sects even if you were to bite (eat) the roots of a tree till death overtakes you while you are in that state."

What is meant by keeping away or withdrawing from people at the time of division is what was mentioned by al-Hafiz ibn Hajar (may Allah have mercy on him) in al-Fath, narrating from al-Tabari, who said: when the people do not have an imam (leader) and they split into sects and parties, do not follow any of these groups; keep away from all of them if possible, lest one fall into evil. When there is a Jama'ah that is truly following the Straight Path, then you have

to join them and help to increase their numbers, and cooperate with them in truth, because in that case, this group constitutes the Jama'ah of the Muslims for that man in that place.

From the above, we come to the following fourfold solution to protect ourselves from the misguidance spread by such groups:

- I. Stick to the Quran and its correct interpretation as explained by the authentic scholars
- II. Stick to the way of the Prophet ﷺ, his companions and the early generations
- III. Stick to the Jama'ah of the Muslims
- IV. If there is no Jama'ah on the straight path, then stay away from everyone and do not associate yourself with them.

FINAL REQUEST

If you benefitted from this book or believe that others can benefit from it, we request you to do two things:

- Try to memorize as many of the ahadith mentioned in this book (and those that are not mentioned here) as much as you can
- Share this book with others for they may be able to make more benefit from this

May Allah SWT make it a source of Sadaqa Jariyyah for yourself and us.

حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ، حَدَّثَنَا أَبُو دَاوُدَ، أَخْبَرَنَا شُعْبَةُ، أَخْبَرَنَا عُمَرُ بْنُ سُلَيْمَانَ، مِنْ وَلَدِ عُمَرَ بْنِ الْخَطَّابِ قَالَ سَمِعْتُ عَبْدَ الرَّحْمَنِ بْنَ أَبَانَ بْنَ عُثْمَانَ، يُحَدِّثُ عَنْ أَبِيهِ، قَالَ خَرَجَ زَيْدُ بْنُ ثَابِتٍ مِنْ عِنْدِ مَرْوَانَ يَصِفُ النَّهَارَ قُلْنَا مَا بَعَثَ إِلَيْهِ فِي هَذِهِ السَّاعَةِ إِلَّا لَشَيْءٍ سَأَلَهُ عَنْهُ فَقُمْنَا فَسَأَلْنَاهُ فَقَالَ نَعَمْ سَأَلْنَا عَنْ أَشْيَاءَ سَمِعْنَاهَا مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ " نَصَرَ اللَّهُ امْرَأً سَمِعَ مِنَّا حَدِيثًا فَحَفِظَهُ حَتَّى يَبْلُغَهُ غَيْرُهُ قَرَبَ حَامِلٍ فَقِهِ إِلَى مَنْ هُوَ أَفْقَهُ مِنْهُ وَرَبَّ حَامِلٍ فَقِهِ لَيْسَ بِفَقِيهِ " . وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ وَمُعَاذِ بْنِ جَبَلٍ وَجُبَيْرِ بْنِ مُطْعِمٍ وَأَبِي الدَّرْدَاءِ وَأَنَسٍ . قَالَ أَبُو عِيسَى حَدِيثُ زَيْدِ بْنِ ثَابِتٍ حَدِيثٌ حَسَنٌ .

Narrated 'Abdur-Rahman bin Aban bin 'Uthman: from his father who said: "Zaid bin Thabit left to go to Marwan during the middle of the day. We said: 'He did not send for him [during] this hour except to ask him about something.' So we got up to ask him, and he said: 'Yes, he asked us about something we heard from the Messenger of Allah (ﷺ). I heard the Messenger of Allah (ﷺ) saying: "May Allah gladden a man who hears a Hadith from us, so he memorizes it until he conveys it to someone else. Perhaps he

carries Fiqh to one who is more understanding than him, and perhaps the one who carries the Fiqh is not a Faqih."

Jami` at-Tirmidhi 2656 (Saheeh)



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